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Maryland. Constitutional Convention, 1967 - 1968.

Delegate Proposals.

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Constitutional Convention

DELEGATE PROPOSAL NO. 1

BY DELEGATE KIEFER, Chairman of the Committee on Personal Rights and the Preamble, at the request of the Constitutional Convention Commission

September 12 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I of the Constitution containing the Declaration of Rights shall read as follows:

ARTICLE I. DECLARATION OF RIGHTS

Section 1.01. Purpose of Government.

All political power originates in the people and all government is instituted for their liberty, security, benefit and protection.

Section 1.02. Freedom of Expression.

The people shall have the right peaceably to assemble and to petition the government for the redress of grievances. Freedom of the press and freedom of speech shall not be abridged, each person remaining responsible for abuse of those rights.

Section 1.03. Freedom of Religion.

No law shall be enacted respecting an establishment of religion. Every person shall have the right to worship or not to worship as he thinks most acceptable, and no person shall

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be disqualified from holding public office or be rendered incompetent as a witness or juror because of his opinion on matters of religious belief.

Section 1.04. Due Process.

No person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the laws, or be subject to discrimination by law or other governmental action because of religion, race, color, or national origin.

Section 1.05. Eminent Domain.

Private property shall not be taken for public use without just compensation.

Section 1.06. Jury Trial in Civil Cases.

Every person shall have the right of trial by jury of issues of fact in civil proceedings at law in the courts of this State in which the amount or value in controversy exceeds such minimum as may be fixed by law.

Section 1.07. Legal Limitations.

No bill of attainder, or ex post facto law, or law impairing the obligation of contracts shall be enacted, nor shall any conviction of crime work corruption of blood or forfeiture of estate.

Section 1.08. Search and Seizure.

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures and in their oral or other communications against unreasonable interceptions shall not be violated. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched, the persons or things to be seized, or the communications sought to be intercepted shall be particularly described in the warrant.

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Annapolis, Maryland

Section 1.09. Rights of Accused.

A person accused of crime shall have the right to be informed of the charge against him in time to prepare his defense, to have the assistance of counsel in his defense, to be confronted with and to examine under oath or affirmation the witnesses against him, to have compulsory process for obtaining witnesses and to have a speedy and public trial in the jurisdiction where the crime is alleged to have been committed and before an impartial jury, without whose unanimous consent he shall not be adjudged guilty.

Section 1.10. Double Jeopardy; Self-Incrimination.

No person shall be twice put in jeopardy of criminal punishment for the same offense or be compelled in any criminal case to be a witness against himself.

Section 1.11. Unusual Punishment.

Excessive bail shall not be required. Neither excessive fines nor cruel and unusual punishment shall be provided by law or be imposed by the courts.

Section 1.12. Habeas Corpus.

The privilege of the writ of habeas corpus shall not be suspended and the provisions of this Constitution shall apply both in time of war and in time of peace.

Section 1.13. Reserved Rights.

This enumeration of rights shall not be construed to impair or deny others retained by the people.

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Constitutional Convention

DELEGATE PROPOSAL NO. 2

BY DELEGATE KOSS, Chairman of the Committee on Suffrage and Elections, at the request of the Constitutional Convention Commission

September 12 , 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article II of the Constitution dealing with Suffrage and Elections shall read as follows:

ARTICLE II. SUFFRAGE AND ELECTIONS

VOTERS

Section 2.01. Eligible Voters.

Every citizen of the United States who has attained the age of twenty-one years, who has been a resident of this State for six months and of the House of Delegates district in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote at such election for all officers to be elected by the people and upon all questions submitted to a vote of the people. Removal from one house district to another in this State shall not deprive a person of his qualification to vote in the house district from which he has removed until three months after his removal.

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Section 2.02. Eligible Voters in Presidential Elections.

A person who has been a resident of this State less than six months next preceding an election, but who is otherwise eligible to vote under this Article, may vote for President and Vice President of the United States or presidential electors in that election.

Section 2.03. Voters in United States Enclaves.

A person shall not be deemed ineligible to vote in national or state elections solely by reason of the fact that he resides on land over which the United States exercises exclusive jurisdiction.

Section 2.04. Disqualification.

The General Assembly shall by law establish disqualifications for voting by reason of mental incompetence or conviction of serious crime, and may provide for the removal of such disqualifications.

ELECTIONS

Section 2.05. Election Procedure.

The General Assembly shall by law define residence, establish a uniform system of permanent registration of voters, provide for the nomination of candidates, regulate the time, place and manner of elections, provide for the administration of elections and for absentee voting, insure secrecy of voting and protect the integrity of the election process.

Section 2.06. General Elections.

A general election shall be held on the Tuesday following the first Monday in November in the year 1970, and on the same day every even year thereafter. The candidates receiving the highest number of votes shall be elected to the offices for which they were candidates.

Section 2.07. Local Elections.

Voting qualifications for local elections shall be as provided in Section 2.01 of this Article except that a municipal corporation may establish a period of minimum residence not exceeding one year and may extend the right to vote to nonresidents owning taxable property within its limits.

REFERENDUM

Section 2.08. Right of Referendum.

If, within sixty days from the date on which a bill becomes law, a petition is filed with the office of the governor to refer the law to a vote of the people, the law shall be submitted to a vote at the next general election. If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter. If the petition is filed before the date on which the law is to take effect, then, unless the law is one passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those voting on the question in the election.

Section 2.09. Referendum Petition.

A petition shall be sufficient to refer a law, or any part thereof, to a vote of the people if signed by a number of qualified voters equal to five per cent of the total number of votes cast for governor in the most recent gubernatorial election, provided that not more than one-half of such required number shall be voters residing in any one county.

Section 2.10. Referendum Restrictions.

No plan for legislative districting or apportionment or congressional districting, no law imposing a tax and no law making an appropriation for maintaining the state government or for aiding or maintaining any public institution shall be subject to referendum.

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Constitutional Convention

DELEGATE PROPOSAL NO. 3

BY DELEGATE GALLAGHER, Chairman of the Committee on The Legislative Branch, at the request of the Constitutional Convention Commission

September 12 , 1967.

Introduced, read the first time and referred to the Committee on The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article III of the Constitution dealing with the Legislative Branch shall read as follows:

ARTICLE III. LEGISLATIVE BRANCH

Section 3.01. Legislative Power.

The legislative power of the State is vested in the General Assembly, which shall consist of two houses, the Senate and the House of Delegates.

DISTRICTS

Section 3.02. Legislative Districts.

The State shall be divided by law into districts for the election of members of the Senate and into districts for the election of members of the House of Delegates. Each district shall consist of compact and adjoining territory, and the ratio of the number of legislators in each district to the population of such district shall be as nearly equal as practicable.

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Section 3.03. Redistricting.

Within three months after official publication of the population figures of each decennial census of the United States, the governor shall present to the General Assembly plans of congressional districting and legislative districting and apportionment. If the General Assembly is not in session, the governor shall convene a special session. The General Assembly shall by law enact plans of congressional districting and legislative districting and apportionment. If no plan has been enacted for any one or more of these purposes within four months prior to the final date for the filing of candidates for the next general election occurring after publication of such census figures, then the pertinent plan as presented to the General Assembly by the governor shall become law. Upon petition of any qualified voter, the Supreme Court shall have original jurisdiction to review the congressional districting and legislative districting and apportionment of the State and grant appropriate relief, if it finds that any of them does not fulfill constitutional requirements.

Section 3.04. District Representation.

At least one senator, but not more than two senators, shall represent each senatorial district. At least one delegate, but not more than six delegates, shall represent each house district.

LEGISLATORS

Section 3.05. Qualifications of Legislators.

To be eligible as a senator or delegate, a person shall be a qualified voter of the State of Maryland at the time of his election or appointment, and shall have been a resident of the State for at least two years immediately preceding his election or appointment. To be eligible as a senator, a person shall have attained the age of twenty-five years, and, to be eligible as a delegate, he shall have attained the age of twenty-one years, at the

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time of his election or appointment.

Section 3.06. Election of Legislators.

A member of the General Assembly shall be elected by the qualified voters of the legislative district from which he seeks election, to serve for a term of four years beginning on the third Wednesday of January following his election.

Section 3.07. Vacancies.

A vacancy in the General Assembly shall be filled by appointment by the governor; provided that the appointee to succeed a party member shall be a member of the same party. The person appointed to fill the vacancy shall serve only until the next general election held more than ninety days after the vacancy occurs, at which election any remaining portion of the unexpired term shall be filled.

Section 3.08. Compensation of Legislators.

The members of the General Assembly shall receive such salary and allowances as may be prescribed by law.

Section 3.09. Appointment of Legislators to Other Offices.

No member of the General Assembly shall, during the term of office for which he was elected or appointed, be appointed to any office which shall have been created, or the salary or profits of which shall have been increased, by the General Assembly during such term.

Section 3.10. Immunity of Legislators.

A member of the General Assembly shall not be liable in any civil action or criminal prosecution for any words used in any proceedings of the General Assembly.

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GENERAL ASSEMBLY

Section 3.11. Size of General Assembly.

The number of members of each house of the General Assembly shall be as prescribed by law.

Section 3.12. Legislative Sessions.

The General Assembly shall convene in regular session on the third Wednesday of January of each year, unless otherwise prescribed by law, and may continue in session for a period not longer than seventy days; provided, however, that by the affirmative vote of three-fifths of all the members of each house a session may be extended for a period not longer than thirty days. The governor may convene a special session of the General Assembly at any time and must convene a special session upon the written request of three-fifths of all the members of each house.

Section 3.13. Organization of General Assembly.

Each house shall be the judge of the qualifications and selection of its members, as prescribed by this Constitution and the laws of this State. Each house shall elect its own officers and determine its rules of procedure, and may permit its committees to meet between sessions of the General Assembly. Each house may, by the affirmative vote of three-fifths of all its members, compel the attendance and testimony of witnesses and the production of records and papers either before the house as a whole or before any of its committees, provided that the rights and the records and papers of all witnesses, in such cases, shall have been protected by law. No person's right to fair and just treatment in the course of legislative and executive investigations shall be infringed. Each house may punish a member for disorderly or disrespectful behavior and may expel a member by the affirmative vote of three-fifths of all its members.

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Section 3.14. Quorum.

A majority of all the members of each house shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may prescribe.

LEGISLATION

Section 3.15. Form of Laws.

The style of every law of this State shall be, "Be it enacted by the General Assembly of Maryland"; and the General Assembly shall enact no law except by bill. Every law enacted by the General Assembly shall embrace only one subject, which shall be described in its title. No law, nor section of law, shall be revived or amended by reference to its title or section only; nor shall any law be construed by reason of its title, to grant powers or confer rights which are not expressly contained in the body of the act. It shall be the duty of the General Assembly, in amending any article or section of the code or law of this State, to enact the article, section or law as it would read when amended.

Section 3.16. Consideration of Bills.

A bill may originate in either house of the General Assembly and be altered, amended, passed, or rejected by the other. Except during the first two days of a special session, no vote on final passage of a bill shall be taken until the bill shall have been printed in final form nor until the third calendar day after introduction.

Section 3.17. Journal and Passage of Bills.

Each house shall keep a current, daily journal of its proceedings which shall be open to public inspection at all times and shall be published as soon as practicable. No bill shall be enacted nor shall a resolution requiring

the action of both houses be adopted, unless it is passed in each house by a majority of all the members of that house. A vote in joint session or by either house on any bill or resolution shall be taken only in public session. On final passage of a bill, including a bill proposing constitutional amendment, or a resolution, the vote cast by each member shall be recorded in the journal of the house of which he is a member.

Constitutional Convention

DELEGATE PROPOSAL NO. 4

BY DELEGATE MORGAN, Chairman of the Committee on The Executive Branch, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article IV of the Constitution dealing with the Executive Branch shall read as follows:

ARTICLE IV. EXECUTIVE BRANCH

Section 4.01. Executive Power

The executive power of the State is vested in the governor, who shall be responsible for the faithful execution of the laws.

Section 4.02. Duties of Lieutenant Governor.

There shall be a lieutenant governor who shall perform such duties as may be prescribed by law and such other duties as may be delegated to him by the governor.

GOVERNOR AND LIEUTENANT GOVERNOR

Section 4.03. Governor

To be eligible for election as governor, a person shall have attained the age of thirty years at the time of his election, and shall have been a qualified voter in the state for

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at lest two years immediately preceding his election. No person elected governor for two full consecutive terms shall be eligible to hold that office again until one full term has intervened.

Section 4.04. Lieutenant Governor.

To be eligible for election as lieutenant governor, a person shall have attained the age of thirty years at the time of his election, and shall have been a qualified voter in the State at least two years immediately preceding his election. No person elected governor for two consecutive terms shall be eligible to hold the office of lieutenant governor until one full term has intervened.

Section 4.05. Election of Governor and Lieutenant Governor.

The governor shall be elected to serve for a term of four years beginning on the third Wednesday of January following his election. In the event of a tie vote, the governor shall be elected from the cnadidates having received the tie vote by the affirmative vote in joint session of a majority of the combined membership of both houses as the first order of business after their organization. Each candidate for lieutenant governor shall run jointly in the general election with a candidate for governor and the votes cast for one shall be considered as cast also for the other. The candidate for lieutenant governor whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

GUBERNATORIAL SUCCESSION

Section 4.06. Failure of Governor to Take Office.

When the governor-elect is disqualified, resigns or dies following his election, but prior to taking office, the lieutenant governor-elect shall succeed to the office of governor for the full term. When the governor-elect

fails to assume office for any other reason, the lieutenant governor-elect shall serve as acting governor, but if the governor-elect does not assume office within the first six months of the term, the office of governor shall be vacant.

Section 4.07. Lieutenant Governor as Acting Governor.

When the governor notifies the lieutenant governor in writing that he will be temporarily unable to carry out the duties of his office or when the governor is disabled and thereby unable to communicate such inability to the lieutenant governor, the lieutenant governor shall serve as acting governor until the governor notifies the lieutenant governor in writing that he is able to carry out the duties of his office. If the governor does not notify the lieutenant governor in writing that he is able to carry out the duties of his office within six months from the time the lieutenant governor begins serving as acting governor, the office of governor shall be vacant.

Section 4.08. Legislative Determination of Disability.

The General Assembly may, by the affirmative vote in joint session of three-fifths of the combined membership of both houses, pass a resolution stating that the governor is unable to carry out the duties of his office by reason of a physical or mental disability. Upon the written request of a majority of the members of each house the General Assembly shall be convened by the presiding officers of both houses to determine whether such a resolution should be passed. If the General Assembly passes such a resolution, it shall be delivered to the Supreme Court which shall then have exclusive jurisdiction to determine whether the governor is unable to discharge the duties of his office by reason of a disability. If the Supreme Court determines that the governor is unable to discharge the duties of his office by reason of a disability, the office shall be vacant.

Section 4.09. Judicial Determination of Vacancy.

The Supreme Court shall have exclusive jurisdiction to determine the existence of a vacancy under this Constitution in the offices of governor and lieutenant governor and all questions arising under this Article concerning the right to office or the exercise of the powers thereof.

Section 4.10. Succession to Office of Governor.

When a vacancy occurs in the office of governor, the lieutenant governor shall succeed to the office of governor for the unexpired term. If a vacancy exists in the office of lieutenant governor when the lieutenant governor is to succeed to the office of governor or to serve as acting governor, the president of the Senate shall succeed to the office of governor for the unexpired term or serve as acting governor. If a vacancy exists in the office of president of the Senate when the president of the Senate is to succeed to the office of governor or to serve as acting governor, the Senate shall convene and fill the vacancy.

Section 4.11. Powers and Duties of Successor.

When the lieutenant governor or the president of the Senate succeeds to the office of governor, he shall have the title, powers, duties and emoluments of the office; but when the lieutenant governor or the president of the Senate serves as acting governor, he shall have only the powers and duties of the office. When the president of the Senate serves as acting governor, he shall continue to be president of the Senate; but during his service as acting governor, his duties as president shall be performed by such person as the Senate shall select.

LEGISLATIVE RESPONSIBILITIES OF GOVERNOR

Section 4.12. Messages to General Assembly.

The governor shall inform the General Assembly of the condition of the State and may recommend measures he considers necessary or desirable.

Section 4.13. Convening General Assembly.

The governor may, on extraordinary occasions, convene the General Assembly or the Senate alone by proclamation, stating the purpose for which he has convened it.

Section 4.14. Veto by Governor.

All bills passed by the General Assembly shall be subject to veto by the governor, except budget bills and bills proposing amendments to the Constitution.

Section 4.15. Item Veto

The governor may strike out or reduce any item in a supplementary appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a bill by the governor.

Section 4.16. Presentation of Bills to Governor.

A bill subject to veto by the governor shall be presented to him within seven days after its final passage by the General Assembly. If the General Assembly is in session, the bill shall become law if the governor signs or fails to veto it within ten days of presentation. If the General Assembly adjourns *sine die* before presentation or during such ten-day period, the bill shall become law if the governor signs or fails to veto it within forty-five days of presentation.

Section 4.17. Return of Vetoed Bills.

When the governor vetoes a bill, he shall return it to the General Assembly within ten

days of presentation if the General Assembly is in session. A bill that is returned by the governor may be reconsidered by the General Assembly; and if, upon reconsideration, the bill is passed by the affirmative vote of three-fifths of all the members of each house, it shall become law.

ADMINISTRATIVE ORGANIZATION

Section 4.18. Organization of Principal Departments.

All offices, agencies and instrumentalities of the legislative and executive branches of the state government exercising executive and administrative functions, powers or duties shall be allocated by law among and within principal departments. Regulatory and quasi-judicial agencies shall be assigned by law to either the legislative or executive branch and may, but need not, be established within a principal department. The head of each principal department shall be either a single executive or a board or commission. When a board or commission is at the head of a principal department, a chief administrative officer may be provided for it by law.

Section 4.19. Reorganization of Principal Departments.

The functions, powers and duties of the principal departments and of the agencies of the State within the legislative and executive branches shall be prescribed by law. The governor may reallocate the functions, powers and duties of the principal departments and of the agencies within the executive branch for efficient administration. Proposed changes in the allocations prescribed by law shall be set forth in executive orders which shall be submitted to the General Assembly within the first ten days of a regular session. A proposed change which is approved, or which is not specifically disapproved or modified by the General Assembly within fifty days after submission, shall become effective on a date designated by the governor and thereafter have

the force of law.

Section 4.20. Appointment and Removal of Administrative Officers.

The governor shall appoint each executive serving as the head of a principal department and each chief administrative officer serving under a board or commission which is the head of a principal department, except the head or chief administrative officer of an institution of higher education, of the state public school system, or of a principal department within the legislative or judicial branches. Each gubernatorial appointee shall have the professional qualifications which may be prescribed by law and shall serve at the pleasure of the governor.

Section 4.21. Appointment and Removal of Administrative Boards and Commissions.

The members of each board or commission which serves as the head of a principal department, except the governing board of an institution of higher education, shall be appointed by the governor and their terms of office shall be prescribed by law in such manner that the governor, upon taking office following his election, shall be able forthwith to appoint at least one-half of them. Such members may be removed as prescribed by law.

Section 4.22. Appointments and Removals Prescribed by Law.

The members of the governing board of an institution of higher education, the head or chief administrative officer of an institution of higher education, of the state public school system, or of a principal department within the legislative or judicial branches, and the members of a regulatory or quasi-judicial agency which does not serve as the head of a principal department, shall be appointed and may be removed as prescribed by law.

Section 4.23. Information from Administrative Officers.

The governor may at any time require

information, in writing or otherwise, from any officer of any executive or administrative department, office, or agency upon any subject relating to that department, office, or agency.

CLEMENCY

Section 4.24. Executive Clemency.

The governor shall have power to grant reprieves and pardons, except in cases of conviction upon impeachment, and to remit fines and forfeitures for offenses against the State. He shall report to the General Assembly in writing, at least annually, of the instances of the exercise of this power.

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Constitutional Convention

DELEGATE PROPOSAL NO. 5

BY DELEGATE MUDD, Chairman of the Committee on The Judicial Branch, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on

The Judicial Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article V of the Constitution dealing with the Judicial Branch shall read as follows:

ARTICLE V. JUDICIAL BRANCH

Section 5.01. Judicial Power.

The judicial power of the State is vested exclusively in a unified judicial system composed of the Supreme Court, the Appellate Court, the Superior Court and the District Court.

THE SUPREME COURT

Section 5.02. Jurisdiction of Supreme Court.

The Supreme Court shall be the highest court of the State and shall have the jurisdiction prescribed by law.

Section 5.03. Composition of Supreme Court.

The Supreme Court shall be composed of seven justices. Five justices shall constitute a quorum, and the concurrence of four shall be necessary for the decision of a case.

Section 5.04. Chief Justice.

The governor shall designate one of the justices of the Supreme Court to be chief justice for the remainder of his service on the court, or until he resigns the office of chief justice. During a vacancy in the office of chief justice, or during a period, as determined by the Supreme Court, when the chief justice is unable to serve, the associate justice senior in service on the Supreme Court shall have the powers and duties of the office of chief justice.

THE APPELLATE COURT

Section 5.05. Jurisdiction of Appellate Court.

The Appellate Court shall have the jurisdiction prescribed by law.

Section 5.06. Composition of Appellate Court.

The Appellate Court shall be composed of no fewer than five judges, as prescribed by law. The Appellate Court may sit in panels of no fewer than three judges in each case, as prescribed by rule.

THE SUPERIOR COURT

Section 5.07. Jurisdiction of Superior Court.

The Superior Court shall have original jurisdiction in all judicial proceedings, except as otherwise prescribed by this Constitution or by law, and shall have such other jurisdiction as is prescribed by law. Jurisdiction of the Superior Court shall be uniform throughout the State.

Section 5.08. Composition of Superior Court.

The Superior Court shall be composed of

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the number of judges prescribed by law and the number shall be allocated among the counties by law. There shall be at least one Superior Court judge resident in each county.

THE DISTRICT COURT

Section 5.09. Jurisdiction of District Court.

The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State.

Section 5.10. Composition of District Court.

The District Court shall be composed of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall be composed of one or more entire and adjoining counties. There shall be at least one District Court judge resident in each district.

Section 5.11. Commissioners.

There may be commissioners of the District Court in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to arrest, bail, collateral and incarceration pending hearing, and then only as may be prescribed by rule.

SELECTION, TENURE AND REMOVAL OF JUDGES

Section 5.12. Judicial Circuits.

The State shall be divided by law into circuits of the Supreme Court and into circuits of the Appellate Court.

Section 5.13. Eligibility for Appointment as Judge.

To be eligible for nomination and appointment as judge, a person shall be a citizen of the State and shall have been a member of the bar of the State for at least five years immediately prior to his nomination, and shall be a resident of the circuit where the Supreme Court or the Appellate Court vacancy exists, a resident of the district where the District Court vacancy exists, or a resident of, or have his principal office for the practice of law in, the county where the Superior Court vacancy exists.

Section 5.14. Nomination and Appointment.

A vacancy in the office of judge shall be filled by the governor from a list of no fewer than two nor more than five eligible persons nominated by a judicial nominating commission. The commission shall make nominations to fill a vacancy not more than thirty days prior to nor more than sixty days after the occurrence of the vacancy. If the governor fails to make the appointment within sixty days after receiving the list of nominees, his power to make the appointment shall end and the chief justice of the Supreme Court shall appoint one of the nominees.

Section 5.15. Appellate Courts Nominating Commission.

Nominations to fill a vacancy on the Supreme Court or on the Appellate Court shall be made by the Appellate Courts Nominating Commission. The commission shall be composed of six lay persons, six lawyers, and the chief justice of the Supreme Court. The terms of the non-judicial members shall be four years.

Section 5.16. Trial Courts Nominating Commission.

Nominations to fill a vacancy on the Superior Court and on the District Court shall be made by a trial courts nominating commission. The number and composition of trial

courts nominating commissions and the terms of their members shall be prescribed by law, but each commission shall have no fewer than five members and shall be composed of an equal number of lay and lawyer members, and a judge. Each commission shall make nominations to fill vacancies on the Superior Court in one or more counties, or on the District Court in one or more districts, or both, as prescribed by law.

Section 5.17. Lawyer Members of Nominating Commission.

Lawyer members of the Appellate Courts Nominating Commission shall be elected by lawyers throughout the State. Lawyer members of each trial courts nominating commission shall be elected by the lawyers of the area for which such commission is established. Eligibility and elections of lawyer members of nominating commissions and eligibility of their electors shall be governed by rule.

Section 5.18. Lay Members of Nominating Commission.

Lay members of the Appellate Courts Nominating Commission shall be appointed by the governor from the qualified voters of the State. Lay members of each trial courts nominating commission shall be appointed by the governor from the qualified voters of the area for which such commission is established.

Section 5.19. Judicial Member of Nominating Commission.

The judicial member of a trial courts nominating commission shall be selected in the manner prescribed by law.

Section 5.20. Rules Governing Nominating Commission.

A nominating commission may act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman. A non-judicial member of a commission may not hold any state or local public office of profit or office in a political party

while a member of a commission and for six months thereafter. A member of a commission shall receive no compensation for his service.

Section 5.21. Term of Office of Judge.

At the next general election following the expiration of two years from the date of appointment, and every ten years thereafter so long as he retains his office, each judge shall be subject to approval or rejection by the electorate. Each justice of the Supreme Court and each judge of the Appellate Court shall be subject to approval or rejection by the electorate of the entire State. Each judge of the Superior Court and of the District Court shall be subject to approval or rejection by the electorate of the county or district, respectively, for which the office then exists. Provision may be made by rule for the taking of a poll of the lawyers of the area in which the judge is required to stand for election as to whether he should be retained in office for a full or additional term, and for publication of the results thereof. In the event of the rejection of a judge by the electorate, the office shall be vacant.

Section 5.22. Retirement of Judge.

Each judge shall retire at the age of seventy. The chief justice of the Supreme Court, with the approval of a majority of the members of that court, may authorize a retired judge temporarily to perform judicial duties in any court.

Section 5.23. Compensation of Judge.

Each judge shall be compensated for his judicial service solely by the State and his salary shall not be reduced during his continuance in office. A pension payable to a retired judge or his surviving spouse pursuant to provisions in effect during his continuance in office shall not be reduced. All judges of the same court shall be paid the same compensation, including any pension based upon length of service, except that a uniform reduction in

compensation may be made applicable to all judges of the same court appointed after the effective date of the reduction.

Section 5.24. Restriction of Non-Judicial Activities.

No judge shall engage in the practice of law, or run for elective office other than the judicial office he then holds, or make any contribution to or hold any office in a political party or organization, or take part in any partisan political campaign, or receive any remuneration for his judicial service except as provided herein. No retired judge while engaging in such activities shall be paid any pension for his judicial service.

Section 5.25. Removal of Judge.

The Supreme Court shall have power, after hearing, to remove any judge from office upon a finding of misconduct in office or persistent failure to perform the duties of his office, or to retire any judge upon a finding of disability seriously interfering with the performance of his duties which is, or is likely to become, of a permanent character. A justice shall not sit in any hearing involving his own removal or retirement. Implementation and enforcement of this section may be by rule or order of the Supreme Court. A judge retired under this section shall have the rights and privileges prescribed by law for other retired judges. A judge removed under this section, and his surviving spouse, shall have the rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal.

ADMINISTRATION

Section 5.26. Administrative Functions of Chief Justice.

The chief justice of the Supreme Court shall be the administrative head of the judicial system. He shall designate one Appellate Court judge, one Superior Court judge and one

District Court judge as chief judges of their respective courts. Each shall serve as chief judge at the pleasure of the chief justice. The chief justice shall have the power to assign any judge to sit temporarily in any court.

Section 5.27. Administrative Functions of Chief Judges.

The chief judge of the Appellate Court shall assist the chief justice in the administration of the Appellate Court. The chief judge of the Superior Court shall assist the chief justice in the administration of the judicial system and shall perform such duties in connection therewith as are assigned him by the chief justice. The chief judge of the District Court shall assist the chief judge of the Superior Court in the administration of the District Court.

Section 5.28. Clerks of Court.

The chief justice of the Supreme Court and the chief judges of the Appellate, Superior and District courts shall each appoint a chief clerk of his court who shall serve at the pleasure of the appointing judge. There shall be a clerk of the Superior Court in each county and of the District Court in each district. Their appointment and terms shall be governed by rule.

Section 5.29. Rule-Making Power.

Except as to matters specifically provided to be prescribed by rule the Supreme Court by rule and the General Assembly by law shall have concurrent power to prescribe regulations governing practice and procedure in all courts, governing the admission of persons to practice law in this State and the discipline of persons so admitted, and governing administration of the courts, officers of the judicial branch and officers of the executive branch, to the extent that their duties directly relate to the enforcement of judicial orders. In the event a rule and a law prescribing a regulation of any of the three foregoing classes conflict, the rule, if adopted or readopted

after the enactment of the law, shall take precedence over the prior law to the extent of the conflict. "Rule" as used in this Article means a rule adopted by the Supreme Court.

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University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 6

BY DELEGATE SHERBOW, Chairman of the Committee on State Finance and Taxation, at the request of the Constitutional Convention Commission.

September 12 , 1967.

Introduced, read the first time and referred to the Committee on State Finance and Taxation.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article VI of the Constitution dealing with State Finances shall read as follows:

ARTICLE VI. STATE FINANCES

STATE DEBTS AND GIFTS

Section 6.01. State Indebtedness.

The State shall have the power to incur indebtedness for any public purpose in the manner and upon the terms and conditions as the General Assembly may prescribe by law. All such indebtedness shall be secured by an irrevocable pledge of the full faith and credit and unlimited taxing power of the State. Unless the law authorizing the creation of an obligation includes such an irrevocable pledge, the obligation shall not be considered an indebtedness of the State. If at any time the General Assembly shall fail to appropriate sufficient funds to provide for the timely payment of the interest upon and installments of principal of all state indebtedness, there shall be set apart from the first revenues thereafter received applicable to the general funds of the State a sum sufficient to pay such

interest and installments of principal. All state indebtedness shall mature within twenty-five years from the time when such indebtedness is incurred.

Section 6.02. Gift or Loan of Assets or Credit.

The assets or credit of the State shall not in any manner be given or loaned to any individual, association, or corporation unless a public purpose will be served thereby and unless authorized by an act of the General Assembly stating the public purpose and, in the case of a gift or loan of credit or a loan of assets, passed by the affirmative vote of three-fifths of all the members of each house.

BUDGET AND APPROPRIATIONS

Section 6.03. Appropriations.

The General Assembly may not appropriate any money out of the treasury except by a budget bill or a supplementary appropriation bill.

Section 6.04. The Budget.

On the third Wednesday in January in each year (except in the case of a newly elected governor, and then not later than twelve days after the convening of the General Assembly into regular session), unless such time be extended by the General Assembly, the governor shall submit to the General Assembly a budget for the ensuing fiscal year. The budget shall show the estimated surplus or deficit of revenues at the end of the preceding year and shall contain, for the fiscal year covered thereby, an estimate of revenues, a complete plan of proposed expenditures by program including all appropriations required by this Constitution or by law, and any additional information prescribed by law, all in such form and detail as the governor shall determine. The total of the proposed expenditures shall be limited to funds available therefor as shown in the budget.

Section 6.05. Mandatory Appropriations.

The estimates of appropriations for the legislative branch, certified by the presiding officer of each house, and for the judicial branch, certified by the chief judge of the Superior Court, shall be transmitted to the governor, in such form and at such time as he shall direct. To the extent that appropriations for the legislative and judicial branches and for state support of public school systems are required by law, the estimates therefor shall be included in the budget without revision.

Section 6.06. Presentation of Budget Bill.

The governor shall deliver to the presiding officer of each house the budget and a bill for all the proposed appropriations of the budget, classified and in such form and detail as he shall determine or as may be prescribed by law. The presiding officer of each house shall promptly cause the bill, called the budget bill, to be introduced. The governor may, before final action thereon by the General Assembly, amend or supplement the budget bill to correct an oversignt, to appropriate funds contingent on passage of pending legislation or to provide for an emergency. Such amendment or supplement shall be delivered to the presiding officers of both houses, and it shall thereafter become a part of the budget bill as an addition, substitute or modification thereof or any item thereof. Each amendment shall be accompanied by a statement by the governor explaining the reasons therefor.

Section 6.07. Amendment of Budget Bill.

The General Assembly may amend the budget bill by increasing any item relating to the legislative or judicial branches, or by reducing or striking out any item except the appropriation of sufficient funds to provide for the timely payment of the interest upon and installments of principal of all state indebtedness and the appropriations required by law for state support of public school systems; but it may not otherwise amend the budget bill

or change the estimate of revenues. The compensation of a public officer may not be decreased during his term of office.

Section 6.08. Enactment of Budget Bill.

The budget bill shall become law when passed by both houses of the General Assembly and shall not be subject to veto by the governor. If the budget bill has not been enacted within fifty days after its introduction, it shall become law in the form in which it was introduced and any amendment or supplement thereto shall be treated as a supplementary appropriation bill.

Section 6.09. Testimony on Budget Bill.

Either house of the General Assembly may require any person in any branch or agency of the state government, other than the governor, to appear and testify with respect to the budget bill or a supplementary appropriation bill. The governor or a person designated by him shall have the right to appear and testify with respect to the budget bill or a supplementary appropriation bill.

Section 6.10. Supplementary Appropriations.

Any other appropriation shall be embodied in a separate bill, called a supplementary appropriation bill, which shall be limited to some single work, object or purpose clearly defined therein. A supplementary appropriation bill may not be considered by either house until the budget bill has become law, but may be considered and enacted thereafter in a regular session or at any time in a special session. A supplementary appropriation bill shall provide the revenue necessary to pay the appropriation by a tax, direct or indirect, to be levied and collected as prescribed therein, or in the case of a budget bill amendment or supplement which has not become law by funds available therefor in conformity with the estimate of revenues contained in the budget or any supplement thereto.

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MEMORANDUM by Delegate Richard W. Case

The following letter to the Editor of the Morning Sun which appeared in the edition of Tuesday, October 10, 1967, is here reproduced as a memorandum in support of the portion of Delegate Proposal No. 6 dealing with state indebtedness (Section 6.01).

For Longer-Term State Bond Issues

Sir: Your recent editorial quite properly states that the report of the Constitutional Convention Commission does not put well the case for changing the possible maturity of State bond issues from 15 to 25 years. You are also quite correct that almost all State officials have recommended to the Committee on State Finances and Taxation of the Constitutional Convention that no change should be made in the present maturity limit for State debt. Ordinarily, your conclusion would be sound, namely, that the issue should be dropped. In my judgment, however, there is still room for inquiry.

The argument against increasing the possible maturity of State debt was predicated by the State officials upon the theory that to do so would be a step toward the loss of Maryland's AAA credit rating. A subsidiary point was, in effect, that longer term bonds would require the payment of more interest than shorter term bonds. It is submitted that the theory is erroneous and the subsidiary point is meaningless in the context of the present discussion.

Municipal bonds are rated presently by two organizations, *i.e.*, Moody's Investor Service and Standard & Poor's Corporation. Additionally, municipal securities are the object of a careful analysis and report by Dun & Bradstreet. Since these three organizations are solely responsible for determining, in the first instance, the credit of an issuing authority and because the State officials have absolutely nothing to do with this process, it is the rating agency officials and not the officials of this State who should be consulted on the subject.

Before the Constitutional Convention Commission made its report, a committee of the commission, including the undersigned, called upon officials of Moody's Investor Service in New York city for the purpose of determining whether changing the maturity of State debt from 15 to 25 years would have any effect on the State's credit rating. Additionally, this committee heard from leading investment bankers, commercial bankers and large purchasers of municipal securities for the same purpose. Today I have called and personally talked with principal representatives of each rating agency. In each instance the answer has been the same: the mere changing of the possible maturity of State debt from 15 to 25 years in a new constitution *will have no adverse effect on the credit rating of this State*. It is the *amount* of debt, not its term, that weighs most heavily with the rating agencies.

That longer term bonds would require the payment of more interest than short term bonds is true but quite beside the point. The issue here is the *rate* of interest not the *amount* to be paid. In recent years there has been no penalty, ratewise, for longer maturities.

Finally, the State officials have argued that if the maturities of State bonds were lengthened, they would be subjected to great pressure to borrow more money which would, in turn, affect the State's credit. The Constitutional Convention Commission considered this point but decided that the State officials could withstand the pressure. If we have incorrectly judged any present officials in this connection, it is hoped that they will so inform your readers and the Constitutional Convention.

There are many reasons why an increase in the maturity of State debt is desirable. First, it is generally conceded that the maturity of the debt should approximate the life of the capital asset for which it is issued in order that *all* of the users of the asset might contribute their fair share to its cost. This is impossible under the fifteen-year limitation; it would be possible with a longer maturity. Second, a longer maturity bond issue would attract a wider market than bonds issued for maximum of fifteen years. This could result in a lower over-all net interest cost to the State than it now can command. Third, the present limitation has been at least partly responsible for an increase in the interest cost for bonds issued by the State Roads Commission, a cost that could be reduced under an expanded maturity limitation. Fourth, a 25-year limitation would encourage borrowing by the counties through the State school bond fund rather than school financing by the more costly issuance of county bonds. Fifth, a possible maturity limit of 25 years would permit more meaningful fiscal planning. Under the proposal there is, of course, no requirement that bonds be issued for the maximum period.

In the last analysis, there is no sound reason for not extending the possible maturity of State bonds and every reason for doing so. At least, that is the impression I have received from those who deal with the subject on a day-by-day basis: the heads of the rating agencies, numerous political economists, leading investment bankers, the commercial banking fraternity and the principal purchasers of the bonds.

Richard W. Case.

Baltimore.

Marshall Plaisted
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 7

BY DELEGATE MOSER, Chairman of the Committee on Local Government, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on

Local Government.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article VII of the Constitution dealing with Local Government shall read as follows:

ARTICLE VII. LOCAL GOVERNMENT

Section 7.01. Units of Local Government.

For the purposes of this Constitution, Baltimore City shall be considered as a county; "municipal corporation" shall mean an incorporated city, town or village, but shall not include Baltimore City or any county; "region" shall mean an area comprising all or parts of two or more counties.

Section 7.02. Establishment of Counties and Multi-County Governmental Units.

The General Assembly may provide by law for the establishment, incorporation, change, merger, dissolution and alteration of boundaries of counties and multi-county governmental units, including intergovernmental authorities and popularly elected regional representative governments, but excluding municipal corporations. A law altering the boundaries of a county shall be enacted only by the affirmative vote of at

least three-fifths of all the members of each house.

REGIONAL GOVERNMENTS AND INTERGOVERNMENTAL AUTHORITIES

Section 7.03. Establishment of Regional Governments.

Upon the establishment by the General Assembly by law of the boundaries of a region, a popularly elected representative government for the region, and the instrument of government therefor, may be created by the General Assembly by law, or by the counties within or partly within the region acting concurrently by law, or by affirmative action of a majority of the registered voters of the region voting upon a plan proposed by a petition signed by a number of registered voters of the region equal to at least five per cent of the vote cast in the region for governor in the most recent gubernatorial election.

Section 7.04. Change of Structure of Regional Government.

The instrument of government for a region shall provide for amendment of the instrument by the affirmative vote of a majority of the voters of the region voting on an amendment submitted by the governing body or by petition of the voters in accordance with the provisions of the instrument.

Section 7.05. Powers of Regional Governments.

Powers may be vested in a regional government either by all counties within or partly within a region relinquishing powers to the regional government by law, by the General Assembly by law withdrawing specified powers from all counties within or partly within a region and conferring the powers upon the regional government, or by the General Assembly by law delegating powers of the State to the regional government. A power conferred upon a regional government may thereafter by law be relinquished by the regional government or

be withdrawn by the General Assembly. In either event the power relinquished by or withdrawn from the regional government shall revert only to the respective counties or to the State, from which it originated.

Section 7.06. Powers of Intergovernmental Authorities.

The General Assembly or a popularly elected representative local government may by law grant to intergovernmental authorities the power to impose and collect service charges, to borrow money and to collect taxes imposed by the General Assembly or by the popularly elected representative local government, but may not grant the power to impose taxes.

COUNTIES

Section 7.07. Powers of Counties.

A county may exercise any power, other than judicial power, or perform any function which is not denied to it by this Constitution, by its charter or by a public general law which in its terms and in its effects is applicable to all counties or to all counties of the county's class, and which has not been transferred exclusively to another governmental unit.

Section 7.08. Classification of Counties.

Classes of counties, based upon population as determined by the most recent United States Census or upon other criteria, may be prescribed by law with not more than five classes and not less than three counties in any one class. No more than one classification shall be in effect at any one time but the classification may be changed at any time.

Section 7.09. General Application of Laws.

Except as otherwise specifically provided in this Constitution, the General Assembly may not enact any public local laws and, except with respect to appropriations, may enact only

public general laws which in their terms and in their effects apply without exception to all counties or to all counties in a class. No county shall be exempt from any public general law applicable to counties in its class.

Section 7.10. Structure of County Governments.

Within one year following adoption of this Constitution, the General Assembly shall provide by law alternative procedures by which an instrument of government of a county may be proposed: by enactment of the local governing body, by petition of ten per cent of the qualified voters of the county, by board created by enactment of the local governing body or created by the voters of the county approving a voters' petition for such a board, or by such other methods as may be prescribed. An instrument of government shall be submitted for adoption by the affirmative vote of a majority of the voters of the county voting thereon. The General Assembly shall provide by law an instrument of government which shall become effective on the first day of January of the fourth year following the effective date of this Constitution for those counties which have not previously adopted an instrument of government as provided in this section.

Section 7.11. Continuance of Existing County Governments.

County governments existing at the effective date of this Constitution shall continue unless changed pursuant to this Constitution.

Section 7.12. Change of Structure of County Government.

An instrument of government of a county may be amended by the affirmative vote of a majority of the voters of the county voting on an amendment submitted by the governing body or submitted upon petition of voters in accordance with the provisions of the instrument of government.

CREDIT LIMITATIONS

Section 7.13. Gift or Loan of Assets or Credit of Local Governments.

The assets or credit of a county, representative regional government, or intergovernmental authority shall not in any manner be given or loaned to any individual, association, or corporation unless a public purpose will be served thereby and unless authorized by its governing or authorizing body by act stating the public purpose, and in the case of a gift or loan of credit or a loan of assets, passed by the affirmative vote of three-fifths of all its members.

MUNICIPALITIES

Section 7.14. Municipal Corporations.

A county may provide by law for the incorporation, change, merger, dissolution and alteration of boundaries of municipal corporations located in the county, and may delegate powers of the county to any municipal corporation. No existing municipal corporation may be dissolved or have withdrawn any existing powers set forth in its charter without either the consent of its governing body or the consent of the General Assembly by law.

COOPERATIVE AGREEMENTS

Section 7.15. Intrastate Intergovernmental Agreements.

A county, municipal corporation or other governmental unit may, except to the extent prohibited by law, agree with the State or with any other county, municipal corporation or governmental unit for the joint administration of any functions and powers and the sharing of the costs thereof.

Constitutional Convention

DELEGATE PROPOSAL NO. 8

BY DELEGATE SHERBOW, Chairman of the Committee on State Finance and Taxation, at the request of the Constitutional Convention Commission

September 12 , 1967.

Introduced, read the first time and referred to the Committee on

State Finance and Taxation.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the following two sections dealing with taxes and assessments shall be included in Article VIII of the Constitution entitled "General Provisions":

ARTICLE VIII. GENERAL PROVISIONS

Section 8.01. Taxes.

No tax shall be imposed except for a public purpose and except by the elected representatives of the people exercising legislative powers.

Section 8.02. Assessments.

No assessment nor any exemption therefrom with respect to any tax imposed by the State or any governmental unit thereof shall be made except pursuant to uniform rules within classes or subclasses of taxpayers, property or events as may be provided by law and such classes or subclasses may include property devoted to agricultural or open-space uses.

Constitutional Convention

DELEGATE PROPOSAL NO. 9

BY DELEGATE BOYER, Chairman of the Committee on General Provisions, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on General Provisions.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the following five sections dealing with public education, higher education, the militia, the oath of office and impeachment shall be included in Article VIII of the Constitution entitled "General Provisions":

ARTICLE VIII. GENERAL PROVISIONS

Section 8.03. Public Education.

The State shall provide by law for a statewide system of free public schools sufficient for the education of, and open to, all children of school age, and shall also provide for such other public educational institutions as may be desirable for the intellectual, cultural and occupational development of the people of this State.

Section 8.04. Higher Education.

The University of Maryland shall be managed by the regents of the University of Maryland in accordance with law, and the regents shall have exclusive general supervision of the institution and the control and direction of all expenditures from the institution's funds. The governing boards of the state colleges and other state institutions of higher education shall formulate

policies for their respective institutions and shall by law be granted such additional powers of supervision, direction and control of their respective institutions and institutional funds as may be feasible and consistent with their status as public agencies.

Section 8.05. Militia.

The General Assembly may provide by law for a militia. The governor shall be its commander-in-chief and shall appoint its officers. The governor may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws. The military power of the State shall be and remain subject to civil control at all times, and only members of the militia when in actual service may be subject to trial by a military court of this State.

Section 8.07. Oath of Office.

Every person elected or appointed to any office of profit or trust under the Constitution or laws of this State shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: "I, _____, do swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____, according to the Constitution and laws of this State." No other oath or political test shall be required.

Section 8.08. Impeachment.

The House of Delegates shall have the sole power of impeachment of elected officials, judges and any other state officers who may be designated by law, in cases of serious crimes or serious misconduct in office. The affirmative vote of three-fifths of all the members of the House of Delegates shall be required to impeach. Impeachments shall be tried by a special tribunal of ten judges appointed by

the Supreme Court from among the judges of the State. The concurrence of three-fifths of the judges of the special tribunal shall be required to convict. Judgment upon conviction shall be removal from office and may include disqualification from holding any office of public trust, as well as deprivation of pension rights and other privileges of office. A person tried upon impeachment, whether or not convicted, shall be liable to criminal prosecution and punishment according to law.

Constitutional Convention

DELEGATE PROPOSAL NO. 10

BY DELEGATE MOSER, Chairman of the Committee on Local Government, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on **Local Government.**

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the following section dealing with interstate intergovernmental cooperation be included in Article VIII of the Constitution entitled "General Provisions":

ARTICLE VIII. GENERAL PROVISIONS

Section 8.06. Interstate Intergovernmental Cooperation.

This Constitution shall be construed to permit, except to the extent prohibited by law, the cooperation of the government of this State with any other government and the cooperation of the government of any county or other governmental unit with one or more other governments outside the boundaries of the State in the administration of their functions and powers.

University of Maryland Libraries

Constitutional Convention

DELEGATE PROPOSAL NO. 11

BY DELEGATE BOYER, Chairman of the Committee on General Provisions, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on General Provisions.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article IX of the Constitution dealing with amendment of the Constitution shall read as follows:

ARTICLE IX. AMENDMENT OF THE CONSTITUTION

Section 9.01. Amendments.

An amendment to this Constitution may be proposed either by the affirmative vote of three-fifths of all the members of each house of the General Assembly or by the vote of a majority of all the members of a constitutional convention called by the General Assembly. In either case, the proposed amendment shall be submitted to the voters of the State at a special or general election as determined by the General Assembly or the Convention, whichever proposes the amendment. Notice of the election shall be given as prescribed by law. Unless otherwise provided, the amendment shall become effective thirty days after approval by the vote of a majority of those voting thereon.

Section 9.02. Constitutional Convention.

The General Assembly may by law call a

constitutional convention at any time or may at any time submit to the voters of the State the question of calling a constitutional convention. If the question of calling a convention shall not have been submitted to the voters of the State for a period of twenty years, then it shall be submitted at the next general election. A convention shall be held within one year after a majority of those voting on the question approve the calling of a convention. Within sixty days after such approval, the governor shall appoint a commission to prepare for the convention. At its next regular session following such approval, the General Assembly shall provide by law for the assembling of the convention, the election of delegates, the filling of vacancies in the position of delegate, and the appropriation of sufficient funds for the work of the convention. The convention shall adopt its own rules of procedure. Any proposal recommended by the convention for changing the constitution shall be submitted to the voters of the State for adoption, and shall be effective only if approved by the affirmative vote of a majority of those voting thereon.

Maryland Historical
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 12

BY DELEGATE GALLAGHER, Chairman of the Committee on The Legislative Branch, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on

The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Constitution provide for a unicameral legislature and that, accordingly, Article III of the Constitution dealing with the Legislative Branch and Section 8.08 of Article VIII, General Provisions, dealing with impeachment, shall read as follows:

ARTICLE III. LEGISLATIVE BRANCH

Section 3.01. Legislative Power.

The legislative power of the State is vested in the General Assembly, which shall consist of one house, the members of which shall be called senators.

DISTRICTS

Section 3.02. Legislative Districts.

The State shall be divided by law into districts for the election of members of the General Assembly. Each district shall consist of compact and adjoining territory, and the ratio of the number of senators in each district to the population of such district shall be as nearly equal as practicable.

Section 3.03. Redistricting.

Within three months after official publication of the population figures of each decennial census of the United States, the governor shall present to the General Assembly plans of congressional districting and legislative districting and apportionment. If the General Assembly is not in session, the governor shall convene a special session. The General Assembly shall by law enact plans of congressional districting and legislative districting and apportionment. If no plan has been enacted for any one or more of these purposes within four months prior to the final date for the filing of candidates for the next general election occurring after publication of such census figures, then the pertinent plan as presented to the General Assembly by the governor shall become law. Upon petition of any qualified voter, the Supreme Court shall have original jurisdiction to review the congressional districting and legislative districting and apportionment of the State and grant appropriate relief, if it finds that any of them does not fulfill constitutional requirements.

Section 3.04. District Representation.

At least one senator, but not more than six senators, shall represent each legislative district.

SENATORS

Section 3.05. Qualification of Senators.

To be eligible as a senator, a person shall be a qualified voter of the State of Maryland at the time of his election or appointment, shall have been a resident of the State for at least two years immediately preceding his election or appointment, and shall have attained the age of twenty-one years at the time of his election or appointment.

Section 3.06. Election of Senators.

A senator shall be elected by the qualified voters of the legislative district from which he seeks election, to serve for a term of four years beginning on the third Wednesday of January following

his election.

Section 3.07. Vacancies.

A vacancy in the General Assembly shall be filled by appointment by the governor; provided that the appointee to succeed a party member shall be a member of the same party. The person appointed to fill the vacancy shall serve only until the next general election held more than ninety days after the vacancy occurs, at which election any remaining portion of the unexpired term shall be filled.

Section 3.08. Compensation of Senators.

The senators shall receive such salary and allowances as may be prescribed by law.

Section 3.09. Appointment of Senators to Other Offices.

No senator shall, during the term of office for which he was elected or appointed, be appointed to any office which shall have been created, or the salary or profits of which shall have been increased, by the General Assembly during such term.

Section 3.10. Immunity of Senators.

A senator shall not be liable in any civil action or criminal prosecution for any words used in any proceedings of the General Assembly.

GENERAL ASSEMBLY

Section 3.11. Size of General Assembly.

The number of members of the General Assembly shall be prescribed by law.

Section 3.12. Legislative Sessions.

The General Assembly shall convene in regular session on the third Wednesday of January of each year, unless otherwise prescribed by law, and may continue in session for a period not longer than seventy days; provided, however, that by the affirmative vote of three-fifths of all the

senators a session may be extended for a period not longer than thirty days. The governor may convene a special session of the General Assembly at any time and must convene a special session upon the written request of three-fifths of all the senators.

Section 3.13. Organization of General Assembly.

The General Assembly shall be the judge of the qualifications and selection of its members, as prescribed by this Constitution and the laws of this State. The General Assembly shall elect its own officers and determine its rules of procedure, and may permit its committees to meet between sessions of the General Assembly. It may, by the affirmative vote of three-fifths of all the senators, compel the attendance and testimony of witnesses and the production of records and papers either before the General Assembly as a whole or before any of its committees, provided that the rights, and the records and papers, of all witnesses, in such cases, shall have been protected by law. No person's right to fair and just treatment in the course of legislative and executive investigations shall be infringed. The General Assembly may punish a senator for disorderly or disrespectful behavior and may expel a senator by the affirmative vote of three-fifths of all the senators.

Section 3.14. Quorum.

A majority of all the senators shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and may compel the attendance of absent senators, in such manner, and under such penalties, as the General Assembly may prescribe.

LEGISLATION

Section 3.15. Form of Laws.

The style of every law of this State shall be, "Be it enacted by the General Assembly of Maryland"; and the General Assembly shall enact

no law except by bill. Every law enacted by the General Assembly shall embrace only one subject, which shall be described in its title. No law, nor section of law, shall be revived or amended by reference to its title or section only; nor shall any law be construed, by reason of its title, to grant powers or confer rights which are not expressly contained in the body of the act. It shall be the duty of the General Assembly, in amending any article or section of the code or laws of this State, to enact the article, section or law as it would read when amended.

Section 3.16. Consideration of Bills.

Except during the first two days of a special session, no vote on final passage of a bill shall be taken until the bill shall have been printed in final form nor until the third calendar day after introduction.

Section 3.17. Journal and Passage of Bills.

The General Assembly shall keep a current, daily journal of its proceedings which shall be open to public inspection at all times and shall be published as soon as practicable. No bill shall be enacted, nor shall a resolution be adopted, unless it is passed by a majority of all the senators. A vote on any bill or resolution shall be taken only in public session. On final passage of a bill, including a bill proposing a constitutional amendment, or a resolution, the vote cast by each senator shall be recorded in the journal.

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Constitutional Convention

DELEGATE PROPOSAL NO. 13

BY DELEGATE KIEFER, Chairman of the Committee on Personal Rights and the Preamble, at the request of the Constitutional Convention Commission

September 12 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Preamble of the Constitution shall read as follows:

PREAMBLE

We, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

Constitutional Convention

DELEGATE PROPOSAL NO. 14

BY DELEGATE KIEFER, Chairman of the Committee on Personal Rights and the Preamble, at the request of the Constitutional Convention Commission

September 12 , 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Preamble of the Constitution shall read as follows:

PREAMBLE

To secure Peace unto all, to preserve the blessings of liberty and justice for ourselves and our posterity, to declare the truths to be self-evident, that all men are created equal and all are endowed with the rights of life, liberty and the pursuit of happiness, and to prolong our unique colonial heritage of civil, religious and political toleration and respect in a government of, by and for the people; We, the people of the free state of Maryland, pledging to each other our lives, our fortunes and our honor for the preservation of our liberty, do solemnly ordain a declaration of rights and frame of government; and for this we humbly invoke the blessing of Almighty God.

Constitutional Convention

DELEGATE PROPOSAL NO. 15

BY DELEGATE KIEFER, Chairman of the Committee on Personal Rights and the Preamble, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Preamble of the Constitution shall read as follows:

PREAMBLE

We, the people of the State of Maryland, in recognition of the need for an orderly system of self-government for our State and the benefits to be derived therefrom, and in order to form a more perfect system of democratic government and to preserve the inalienable rights and universal principles of liberty, freedom and equality of all men, do ordain and establish this Constitution, and do herein enumerate the civil, political and religious rights and liberties to be fostered, guaranteed and protected by the State for the enjoyment of all citizens, and do herein grant to the State of Maryland the powers and authority necessary and proper to promote, maintain and preserve the peace, dignity, health, safety and general welfare of our citizens.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 16

BY DELEGATE KIEFER, Chairman of the Committee on Personal Rights and the Preamble, at the request of the Constitutional Convention Commission

September 12, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Preamble of the Constitution shall read as follows:

PREAMBLE

We, the people of the state of Maryland, recognizing the rights and duties of this state as a part of the federal system of government, reaffirm our adherence to the Constitution of the United States of America; and in order to assure the state government power to act for the good order of the state and the liberty, health, safety and welfare of the people, we do ordain and establish this constitution.

Constitutional Convention

DELEGATE PROPOSAL NO. 17

BY DELEGATE Joseph L. Johnson

September 14 , 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 2.09 of Article II of the Constitution dealing with Suffrage and Elections shall read as follows:

Section 2.09. Referendum Petition

A petition shall be sufficient to refer a law, or any part thereof, to a vote of the people if signed by a number of qualified voters equal to five per cent of the total number of votes cast for governor in the most recent gubernatorial election, provided that not more than one-half of such required number shall be voters residing in any one legislative district.

Constitutional Convention

DELEGATE PROPOSAL NO. 18

BY DELEGATE CHABOT

September 14, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I of the Constitution dealing with the Declaration of Rights shall read as follows:

Article I. Declaration of Rights

Section 1. Purpose of This Constitution; Construction.

Government is instituted to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty. Nevertheless, governmental power contains the seeds of tyranny which can be used by those who control such power to subvert the rights of the people and any or all of the proper purposes of government. Accordingly, we, the people of the State of Maryland do ordain and establish this Constitution in order to grant to the government the fullness of governmental powers subject only to those limitations needful to protect against tyranny.

Section 2. Freedoms of Speech, Press and Assembly

The test of truth is in the marketplace of ideas. In order to protect access to that marketplace, so that all may benefit from the courage of the few, freedom of speech and of the press shall not be abridged and the

people shall have the right peaceably to assembly and to petition the government for redress of grievances.

Section 3. Freedom of Religion; No Establishment of Religion.

History's lesson is clear that union of religion and government is harmful alike to the purposes generally professed by religious organizations and to the people of the State -- majorities as well as minorities. Accordingly, no governmental action shall be taken respecting an establishment of religion or burdening or favoring persons on account of their views concerning religion or their exercise of religio

Section 4. The Right to Vote; Preservation and Effectuation.

(a) The right of citizens to vote shall not be abridged on account of religion, race, color, national origin, or sex.

(b) The right of citizens to vote shall not be abridged on account of mental incompetence or conviction of crime except by law clearly authorizing such abridgement but only after adjudication of incompetenc or conviction and only for the period while the citize is in the custody of the state or its agents or subdivision.

(c) Registration for voting, the voting process, and absentee voting shall be regulated and publicized in such manner as will facilitate the opportunity of the qualified electorate to vote.

(d) Where public officials of any body with legislative powers are elected by districts, such districts shall be as compact and contiguous as is practicable and the ratio of the number of members in such body from each district to the population of such district (as determined by the most recent census for the apportionment of the House of Representatives under the United States Constitution) shall be as nearly equal as practicable. Upon petition of any qualified voter to the [Supreme Court], or to such other court as may by law be given jurisdiction in the matter, that court shall have original jurisdiction to review the districting and apportionment of the area and grant appropriate relief, if it finds

that any such districting or apportionment does not fulfill constitutional requirements. In any such suit, a showing that the ratios of any two such districts are not equal shall be prima facie proof of unconstitutionality.

Section 5. Due Process; Equal Protection, Including Discrimination.

No person shall be deprived of life, liberty, or property without due process of law, or be denied the equal protection of the laws. No person shall be subject to discrimination or preference by the exercise of governmental power because of religion, race, color, or national origin nor shall his rights be varied because of any quota dependent upon religion, race, color, or national origin.

Section 6. Security and Privacy.

(a) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and in their oral or other communications against unreasonable interceptions shall not be violated. No warrant shall issue except according to law and upon probable cause supported by oath or affirmation, and the place to be searched, the persons or things to be seized, or the communications sought to be intercepted shall be particularly described in the warrant.

(b) No soldier shall, in time of peace, be quartered in any house by governmental action without the consent of the owner, nor in time of war by governmental action, except in the manner prescribed by law.

Section 7. Accused; Procedure; Punishment; Habeas Corpus

(a) Rights of Accused. A person accused of crime shall have the right to be informed of the charge against him in time to prepare his defense, to have the assistance of counsel in his defense, to be confronted with and to examine under oath or affirmation the witnesses against him, to have compulsory process for obtaining witnesses and to have a speedy and public trial in the jurisdiction

where the crime is alleged to have been committed and before an impartial jury, without whose unanimous consent he shall not be adjudged guilty.

(b) No person shall be compelled in any criminal case to be a witness against himself.

(c) No person shall be subject for the same offense to be twice put in jeopardy of punishment; excessive bail shall not be required; neither excessive fines nor cruel and unusual punishment shall be imposed; conviction of crime shall not work corruption of blood or forfeiture of estate.

(d) No bill of attainder or ex post facto law shall be enacted, nor shall any retrospective oath or restriction be imposed or required.

(e) The right of the writ of habeas corpus shall not be suspended.

Section 8. Property; Contracts

(a) Private property shall not be taken for public use without just compensation.

(b) No law shall impair the obligation of contracts.

Section 9. Civil Proceedings

Every person shall have the right of trial by jury of issues of fact in common law civil proceedings where the value in controversy exceeds such minimum as may be fixed by law.

Section 10. No Suspension in War-time

The provisions of this Constitution apply both in time of war and in time of peace.

Section 11. Reserved Rights.

This enumeration of rights shall not be construed to impair or deny others retained by the people.

MEMORANDUM ACCOMPANYING DELEGATE PROPOSAL #18

The following annotations and references should be considered in connection with Delegate Proposal #18:

Section 1. (U.S. Preamble, Art. I, Sec. 8, par. 18; Md Preamble, Decl. Art. 1, Art. III (sec. 56); Model Preamble, Sec. 201; commn Sec. 1.01)

Section 2. (U.S. 1st amend.; Md. Decl. Arts. 40 and 13; Model Sec. 1.01; Comm'n Sect. 1.02)

Section 3. (U.S. 1st amend.; Md. Decl. Art. 36,37,38; Model Sec. 1.01; Comm'n Sec. 1.03)

Section 4. (U.S. 15th, 19th,24th amends.; Md. Decl. Art. 7)

(a)

(b) (Md. Art. I, Secs. 2 and 3; Model Sec. 3.01; Comm'n Sec. 2.04)

(c) (Md.Art.I, Secs. 1A and 5, Art. III, Secs. 42,49; Model, Sec. 3.02; Comm'n Sec. 2.05)

(d) (U.S.Art. I, Sec. 2 (par.3), 14th Amend., Sec. 2; Md. Art. III, Secs. 2 and 4; Model, Sec. 4.04; Comm's Secs. 3.02, 3.03)

Section 5. (U.S. 5th Amend., 14th amend. (Sec. 1); Md. Decl. Art. 23, Art. III, Sec. 53; Model, Sec. 1.02; Comm'n Sec. 1.04)

Section 6. (U.S. 4th Amend.; Md. Decl. Art. 26; Model Sec. 1.03; Comm'n Sec. 1.08)

(b) (U.S. 3rd Amend.; Md. Decl. Art. 31)

Section 7.

(a) (Comm'n draft, Sec. 1.09) (U.S. Art. III, Sec.2 (par. 3), 6th amend.; Md. Decl. Art. 21, Art XV, (Sec 5); Model Sec. 1.06 (a); Comm'n Sec. 1.09)

(b) (U.S.5th amend.; Md. Decl. Art. 22; Model, Sec. 1.04; Comm'n, Sec. 1.10)

(c) (U.S.Art. III, Sec. 3, par 2, 5th amend., 8th amend.; Md. Decl. Arts. 16,25,27, Art III, Sec. 60; Model Secs. 1.06 (b), 1.06(c); Comm'n, Secs. 1.07, 1.10, 1.11)

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Constitutional Convention

DELEGATE PROPOSAL NO. 19

BY DELEGATES Bennett and Bothe

September 14, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 1.11 of Article I - Declaration of Rights shall read as follows:

Section 1.11. Unusual Punishment

Excessive bail shall not be required. Neither excessive fines nor capital or other cruel and unusual punishment shall be provided by law or be imposed by the courts.

Constitutional Convention

DELEGATE PROPOSAL NO. 20

BY DELEGATE S Grumbacher, Hanson, Koss, Schloeder, Sollins

September 14 , 1967.

Introduced, read the first time and referred to the Committee on Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Legislative Article of the Constitution shall contain a provision establishing the office of Ombudsman, to read as follows:

Section 1. Ombudsman of the State of Maryland

The General Assembly shall elect, on recommendation by the Governor, the Ombudsman of the State of Maryland, who shall serve for a term of five years. No Ombudsman shall serve for more than two terms. The Ombudsman shall receive compensation in an amount equal to the Chief Justice of Maryland.

Section 2. Jurisdiction and Duties of the Ombudsman

The Ombudsman shall have jurisdiction to receive complaints from any citizen of the State concerning, and to investigate the administrative acts of, any agency or political subdivision of the State of Maryland where he has cause to believe that an administrative act is contrary to law or regulation; unreasonable; unfair or oppressive; based wholly or partly on a mistake of law or fact; based on improper or irrelevant grounds; unaccompanied by an inadequate statement of reasons; performed in an inefficient manner; or otherwise erroneous or arbitrary. The Ombudsman may, consistent with law, provide appropriate remedies for administrative abuses or errors and recommend such other remedial action as may be necessary to the appropriate officers of the state.

Section 3. Supplementary Powers

The Ombudsman shall have such other powers and duties as may be prescribed by law, and shall promulgate rules and

regulations for the conduct of his office as may be necessary for him to carry out the duties imposed on him by this Article or by law.

Section 4. Finality of Actions

No proceeding, decision, or report of the Ombudsman conducted or made in accordance with this Article shall be challenged, reviewed, quashed, or called into question in any court. No action, civil or criminal, shall lie against the Ombudsman or against any person holding office or appointment under the Ombudsman for any act pursuant to that office, unless it can be shown that the act was taken in bad faith.

Section 5. Removal of the Ombudsman

The Ombudsman may be removed from office by a vote of three fourths of the entire membership of each house of the General Assembly.

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Constitutional Convention

DELEGATE PROPOSAL NO. 21

BY DELEGATE S HUTCHINSON AND KAHL

September 14 , 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article II, Section 2.01 shall read as follows:

Every citizen of the United States who has attained the age of eighteen years, who has been a resident of this State for six months and of the House of Delegates district in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote at such election for all officers to be elected by the people and upon all questions submitted to a vote of the people. Removal from one house district to another in this State shall not deprive a person of his qualification to vote in the house district from which he has removed until three months after his removal.

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Constitutional Convention

DELEGATE PROPOSAL NO. 22

BY DELEGATE S FORNOS, ABRAMSON, BOILEAU, BORUM, BOYCE, GRANT, HANSON, HARRIS, KIRKLAND, PASCAL, ROBEY, SCHNEIDER, SOSNOWSKI, ULRICH AND WHEATLEY.

September 14, 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to reduce from 21 to 19 the minimum age qualification for voters.

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Constitutional Convention

DELEGATE PROPOSAL NO. 23

BY DELEGATE Earl Koger, Sr.

September 14, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Constitution dealing with State Finance shall read as follows:

That a general audit of the State finances shall be authorized by the Legislature every five years.

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Constitutional Convention

DELEGATE PROPOSAL NO. 24

BY DELEGATE Joseph Sherbow

September 14, 1967,

Introduced, read the first time and referred to the Committee on State Finance and Taxation.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to consider whether or not there should be a provision in the Maryland Constitution prohibiting or relating to lotteries.

Article 3, Section 36 provides that "no lottery grant shall ever hereafter be authorized by the General Assembly".

The Constitutional Convention Commission "recommends that the new Constitution not contain any prohibition of a lottery". (Report of Constitutional Convention Commission, pages 268-270)

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Memorandum to accompany Resolution No. 24
By the Committee on Local Government

As a result of its own research and the testimony of a multitude of witnesses, the Committee on Local Government has been impressed by the wide diversity of conditions and multiplicity of county exemptions and local laws throughout the State. The Committee, in order to determine the powers and functions to remain in or be vested in the State and those to remain in or be vested in Baltimore City and the counties, believes that an exhaustive study of existing legislation affecting these relationships is absolutely necessary. Recognizing the magnitude of this undertaking, the Committee concludes that it has neither the time nor research staff available to properly conduct this essential analysis.

Such an analysis would be very helpful to the General Assembly and the counties and in order to draft proper and comprehensive legislation to implement the new Constitution. Under the existing Constitution the State and counties will also benefit from a complete review of existing Public General and Public Local Laws.

The Commission on Local Affairs should further advise the Governor, the Governor's Task Force on Modern Management, and General Assembly on the desirability of establishing a permanent Department of Local Affairs which would render valuable service to the units of local government in many ways, including (1) the fostering of a relationship of mutual confidence between the State and local levels; (2) the collection and dissemination of technical information needed by the local units; (3) the development of increased competence at the local level by suggesting solutions to problems common to the counties and municipalities; (4) the provision for greater coordination in the administration of state and local programs; (5) the suggestion to the General Assembly of procedures for the resolution of conflicts between units of local government; (6) the study and preparation of recommendations for handling problems which are beyond the jurisdiction of local units of government; and (7) the performance of such further duties and functions as may be assigned to it by the Governor or General Assembly.

This Resolution is submitted after consultation with representatives of the Governor and the Legislative Liaison Committee of the General Assembly.

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Constitutional Convention

DELEGATE PROPOSAL NO. 25

BY DELEGATE HARDWICKE

September 15 , 1967.

Introduced, read the first time and referred to the Committee on General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Constitution contain the following provision:

This Constitution shall expire on the first day of January of the year 2000 unless it shall have been extended for a further period by the vote of the People of the State of Maryland in accordance with the provisions hereof for amendment.

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To be read in connection with Proposal No. 25 by Delegate Hardwicke:

Excerpts from letters of Thomas Jefferson to James Madison, Paris, September 6, 1789.

"The question, whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government...."

"On similar ground it may be proved, that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation: they may manage it, then, and what proceeds from it, as they please, during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors are extinguished then, in their natural course, with those whose will gave them being. This could preserve that being, till it ceased to be itself, and no longer. Every constitution, then, and every law, naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force, and not of right. It may be said, that the succeeding generation exercising, in fact, the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to thirty-four years only. In the first place, this objection admits the right, in proposing an equivalent. But the power of repeal is not an equivalent. It might be, indeed, if every form of government were so perfectly contrived, that the will of the majority could always be obtained, fairly and without impediment. But this is true of no form. The people cannot assemble themselves; their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils, bribery corrupts them, personal interests lead them astray from the general interests of their constituents; and other impediments arise, so as to prove to every practical man, that a law of limited duration is much more manageable than one which needs a repeal ...."

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Constitutional Convention

DELEGATE PROPOSAL NO. 26

BY DELEGATE

BARD

September 15 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Preamble of the Constitution shall read as follows:

PREAMBLE

We, the people of the State of Maryland, recognizing the rights and duties of this state as a part of the federal system of government, reaffirm our adherence to the Constitution of the United States of America; and in order to assure the state government power to act for the good order of the state and the liberty, health, safety and welfare of the people, we do ordain and establish this constitution.

Constitutional Convention

DELEGATE PROPOSAL NO. 27

BY DELEGATE HUTCHINSON

September 15 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article II, Section 2.01 shall read as follows:

Every citizen of the United States who has attained the age of nineteen years, who has been a resident of this State for six months and of the House of Delegates district in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote at such election for all officers to be elected by the people and upon all questions submitted to a vote of the people. Removal from one house district to another in this State shall not deprive a person of his qualification to vote in the house district from which he has removed until three months after his removal.

Constitutional Convention

DELEGATE PROPOSAL NO. 28

BY DELEGATE RYBCZYNSKI

September 15 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I, Declaration of Rights, contain the following section:

Eminent Domain

Private property and the rights of ownership appurtenant thereto shall not be taken for public use without just compensation; and in addition thereto, reasonable counsel fee, moving costs, transfer taxes, and settlement charges

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 29

BY DELEGATES KIRKLAND AND SOSNOWSKI

September 15, 1967.

Introduced, read the first time and referred to the Committee on General Provisions.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 8.04 of Article VIII of the Constitution dealing with Higher Education shall read as follows:

ARTICLE VIII. GENERAL PROVISIONS

Section 8.04. Higher Education.

All public institutions of higher education shall be managed by a Board of Regents in accordance with law.

The Regents shall have exclusive general supervision of the institutions and the control and direction of all expenditures from the institutions' funds.

The Regents will elect a chancellor of Higher Education who will appoint presidents of the various public institutions of Higher Education, subject to the approval of the Board of Regents.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 30

BY DELEGATE FORNOS

September 15 , 1967.

Introduced, read the first time and referred to the Committee on

The Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to make the General Assembly of Maryland responsible for post audit of state revenues and expenditures.

College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 31

BY DELEGATE KIEFER, Chairman of the Committee on Personal Rights and The Preamble.

September 15, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that consideration be given to the inclusion in the new Constitution of Articles 1 through 45 inclusive of the present Declaration of Rights except the second clause of Article 24 which deals with compensation for slaves.

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College Park, Md

Constitutional Convention

DELEGATE PROPOSAL NO. 32

BY DELEGATES Armor and Abramson

September 15, 1967.

Introduced, read the first time and referred to the Committee on The Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Position, Lieutenant Governor be provided as an Elective Official of the State.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 33

BY DELEGATE Darby

September 15 1967.

Introduced, read the first time and referred to the Committee on The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the section dealing with "Qualifications of Legislators" be included in Article III of the Constitution entitled "Legislative Branch."

ARTICLE III. LEGISLATIVE BRANCH

Section 3.05 Qualifications of Legislators

To be eligible as a Senator or Delegate, a person shall be a qualified voter of the State of Maryland at the time of his election or appointment and shall have been a resident of the State for at least two years immediately preceding his election or appointment, and the last year thereof in the Legislative District of the County or Baltimore City which he may be elected or appointed to represent.

To be eligible as a Senator, a person shall have attained the age of twenty-five years and to be eligible as a Delegate, he shall have attained the age of twenty-one years at the time of his election or appointment.

Constitutional Convention

DELEGATE PROPOSAL NO. 34

BY DELEGATES J. MURPHY, V. VECERA and C. HARRIS

September 15 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL for a system of workmen's compensation and to insure the rights of employees to organize and bargain collectively.

It shall be the policy of the state to foster and promote the general welfare and to establish a firm basis of economic security for the people of the state.

To implement the state's committment to the economic security and dignity of the people, a system of workmen's compensation and means of protection against the hazards of unemployment and disability and against loss or inadequacy of income and employment opportunities may be provided by law.

No person shall be denied employment nor the right to join a labor organization of his choice on the grounds of race, color or creed, or because of sex, age or handicap where otherwise capable and competent.

Labor of human beings is not a commodity nor an article of commerce and shall never be so considered or construed.

The state shall secure the right of employees to organize and to bargain collectively through representatives of their own choosing.

No laborer, workman or mechanic, in the employ of a contractor engaged in the performance of any public work, shall be paid

less than the rate of wages prevailing in the same trade or occupation in the locality within the state where such public work is to be situated, fabricated or erected.

College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 35

BY DELEGATE S Taylor, Hardwicke, Mitchell

September 15 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Bill of Rights contain a provision as follows:

In all administrative proceedings of state agencies, the accused or claimant shall have the right to a speedy and public hearing by an impartial arbiter and to be informed of the nature and cause of the judgment or accusation, to be confronted with the evidence against him, and to have the benefit of technical assistance in preparing a defense.

No person shall be subject to the same official for both prosecution and adjudication, nor be deprived of liberty or property unless by a prescribed mode of procedure.

University of Maryland Libraries

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University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 36

BY DELEGATE Dukes

September 15 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Declaration of Rights should contain a prohibition against any form of governmental immunity, either state or local, or any creature of the state, supported or partially supported by funds derived from any form of tax revenue.

Constitutional Convention

DELEGATE PROPOSAL NO. 37

BY DELEGATE James

September 15 , 1967.

Introduced, read the first time and referred to the Committee on Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Governor's term of office shall begin on the second Wednesday in December.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 38

BY DELEGATES MITCHELL, TAYLOR, BOROM AND WHITE

September 15, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Declaration of Rights contain a privilege and immunities clause to read as follows:

No officer, servant, or licensee of the State of Maryland shall deny or abridge the privileges or immunities of any person.

Constitutional Convention

DELEGATE PROPOSAL NO. 39

BY DELEGATE s Weidemeyer, Kosakowski and Rush

September 15 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Constitution permit the Legislature to enable a lottery to be established and operated for and by the State with such enabling provision to read as follows:

A. No lottery grant shall ever hereafter be authorized by the General Assembly.

B. The provisions of Section A shall not be construed to prevent the operation of a lottery system by the State of Maryland, and the General Assembly may enact implementing and enabling legislation therefor, except that such legislation shall always provide: (1) for the operation of the lottery system by a State agency or lottery commission appointed and acting on behalf of the State of Maryland; (2) for a division of the net profits from the lottery as follows: one-tenth of the net profits to the State of Maryland for schools, hospitals, roads, retirement of bond issues and general state operation and expenses all in such amounts or proportions as the General Assembly from time to time may designate; and nine-tenths of the net profits to Baltimore City and any of the several counties which may permit sale of lottery tickets within its borders, to be divided among these several political subdivisions participating in the lottery in such proportion as the number of lottery tickets sold

in a particular subdivision during each fiscal year bears to the total number of lottery tickets sold throughout the state during the same period; (3) any county, by its representatives in the General Assembly, shall be permitted, at any time, to exampt itself from or include itself within the provisions of the implementing and enabling legislation for a lottery, as provided herein, and during such time as the City of Baltimore or a particular county is exempted from the provisions of said legislation, no State operated lottery tickets shall be sold in said county or Baltimore City, as the case may be, and during such time as a particular county or the City of Baltimore has exempted itself, it shall not share in any of the net profits from the lottery operation.

College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 40

BY DELEGATE James

September 15, 1967.

Introduced, read the first time and referred to the Committee on General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the incumbent of any elected office shall remain in office until his successor shall have qualified.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 41

BY DELEGATE WHITE

September 18, 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the following provision on qualifications of eligible voters be included in the Constitution, Article II, Suffrage and Elections:

(ARTICLE II. SUFFRAGE AND ELECTIONS)

Section 2.01. Eligible Voters

Every citizen of the United States who has attained the age of 16 years and who has been a resident of this state for 6 months and of the House of Delegates district in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote at such election for all officers to be elected to a vote of the people. Removal from one house district to another in this State shall not deprive a person of his qualification to vote in the house district from which he has removed until three months after his removal.

University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 42

BY DELEGATE WHITE

September 18, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to include in the Constitution, Article I, Declaration of Rights, a prohibition against discrimination as follows:

(ARTICLE I. DECLARATION OF RIGHTS)

Neither the state government nor any subdivision of government will discriminate against any American citizen on a basis of race, sex, color, age, religion or physical handicap.

Constitutional Convention

DELEGATE PROPOSAL NO. 43

BY DELEGATE WHITE

September 18, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to include in the Constitution, Article I, Declaration of Rights, a prohibition against discrimination as follows:

(Article I. Declaration of Rights)

Neither industry, labor unions, religious institutions nor other organizations will discriminate against American citizens on a basis of race, color, sex, religion, age or physical handicap.

Constitutional Convention

DELEGATE PROPOSAL NO. 44

BY DELEGATE WHITE

September 18 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to include in the Constitution, Article I, Declaration of Rights, a provision prohibiting the licensing of certain services if they discriminate on specified grounds:

(ARTICLE I. DECLARATION OF RIGHTS)

No individual, firm, profession nor religious institution will be issued a license to function if appropriate services are withheld on a basis of sex, race, religion, color, age or physical handicap.

University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 45

BY DELEGATES Boileau and D.S.Murray

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that a general election shall be held on the Tuesday following the first Monday in November in the year 1971 and on the same day every four years thereafter. The candidates receiving the highest number of votes shall be elected to the offices for which they were candidates.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 46

BY DELEGATES VECERA and MURPHY

September 18 , 1967.

Introduced, read the first time and referred to the Committee on Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to prescribe the manner of filling a vacancy in the General Assembly.

(ARTICLE III. LEGISLATIVE BRANCH)

Section 3.

A vacancy in the General Assembly shall be filled by action of the Governor appointing the person nominated by the State Central Committee of the party to which the vacating legislator belongs.

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College Park, MD

Constitutional Convention

DELEGATE PROPOSAL NO. 47

BY DELEGATES VECERA and MURPHY

September 18 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to retain capital punishment.

The General Assembly may prescribe capital punishment as a penalty for offenses.

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College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 48

BY DELEGATES VECERA, MURPHY and BYRNES

September 18 , 1967.

Introduced, read the first time and referred to the Committee on Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL as to the number of Senators and Delegates from each Senatorial and House District.

(Article III. Legislative Branch)

Section 3.04.

At least 1 Senator, but not more than 2 Senators, shall represent each Senatorial District. At least 1 Delegate, but not more than 8 Delegates, shall represent each House District.

Constitutional Convention

DELEGATE PROPOSAL NO. 49

BY DELEGATES VECERA and MURPHY

September 18, 1967.

Introduced, read the first time and referred to the Committee on State Finance and Taxation.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to prohibit all local units of government from imposing on the residents a tax on income.

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Constitutional Convention

DELEGATE PROPOSAL NO. 50

BY DELEGATE S VECERA and MURPHY

September 18, 1967.

Introduced, read the first time and referred to the Committee on Local Government.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to alter Baltimore City Councilmanic Districts.

The boundaries of the Councilmanic Districts of Baltimore City must always coincide with the boundaries of the Legislative Districts of Baltimore City. This provision is to take effect at the mayoralty election in September, 1971.

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Constitutional Convention

DELEGATE PROPOSAL NO. 51

BY DELEGATE CHABOT

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article II of the Constitution dealing with Suffrage and Elections shall read as follows:

ARTICLE II. SUFFRAGE & ELECTIONS

Section 1. Qualified Voters.

(a) Every citizen of the United States who has attained the age of twenty years, who has been a resident of this State for six months and of the House of Delegates district in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote at such election for all officers to be elected by the people and upon all questions submitted to a vote of the people.

(b) Removal from one house district to another in this State shall not deprive a person of his qualification to vote in the house district from which he has removed until three months after his removal.

(c) The General Assembly may provide by statute for voting at an election by any person who removed from this State within six months prior to that election if the person was a qualified voter immediately prior to his removal from this State. The General Assembly may limit such provisions to

voting for President and Vice President of the United States or voting for electors for such offices.

Section 2. United States Enclaves.

A person shall not be deemed ineligible to vote solely by reason of the fact that he resides on land over which the United States exercises exclusive jurisdiction.

Section 3. Election Procedure.

The General Assembly shall define residence, establish a uniform system of registration of voters, provide for the nomination of candidates, regulate the time, place, and manner of elections, provide for the administration of general special, and primary elections and for absentee registration and voting, insure the secrecy of each person's vote, and protect the integrity of the election process, in accordance with Article I, section 4(c) of this Constitution.

Section 4. General Elections; Pluralities

A general election shall be held on the Tuesday following the first Monday in November in every year. The candidates receiving the greatest number of votes shall be elected to the offices or, in the case of primary elections, become the nominees for the offices for which they were candidates.

Section 5. Local Elections.

Voting qualifications for local elections shall be as provided in section 1, except that a municipal corporation whose population is less than one percent of the population of this State (both populations as determined by the most recent census for the apportionment of the House of Representatives under the United States Constitution) may establish a period of minimum residence not exceeding one year.

Section 6. Referendum -- Effect.

(a) If, within sixty days after the date of enactment of a statute, a petition is filed with the office of the Governor to refer the statute to referendum, the statute shall be submitted to a vote

at the next general election held at least four months after the petition is filed. If rejected by a majority of those voting on the question, but by not less than a number of votes equal to one-quarter of the total number of votes cast for governor in that election (but if a Governor is not to be elected in that election, then in the most recent prior gubernatorial election), then the statute shall stand repealed thirty days thereafter.

(b) If the petition is filed within thirty days after the date of enactment of the statute, then, unless the statute had been passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, its effect shall be suspended from the day of such filing until the general election at which it is submitted to a vote. If the statute is rejected as provided in this section, it shall stand repealed as of the day of such election. Otherwise, the statute shall take effect as provided therein or on the day of the election, whichever is later.

Section 7. Referendum -- Petition.

A petition shall be sufficient to refer a statute to referendum if signed by a number of qualified voters equal to one-tenth of the total number of votes cast for governor in the most recent gubernatorial election.

Section 8. Referendum -- Limitations.

No plan for legislative districting or apportionment or congressional districting, no statute imposing a tax, and no statute making an appropriation for maintaining the government of this State or for aiding or maintaining any public institution shall be subject to referendum.

Maryland State
University Archives
College Park, Md.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal 5I

The following annotations should be considered in connection with Delegate Proposal 5I:

Section 1, (a) [U.S. Art. I, Sec. 2, par. 1 and XVIIth amend., par.1; Md. Decl. Art. 7 and Arts. I (Sec. 1) and II (Sec. 2); Model, Sec. 3.01; Comm'n, Sec. 2.01]

(b) [Md. Art. I, Sec.1; Comm'n, Sec. 2.01]

(c) [Comm'n, Sec. 2.02]

Section 2. [Comm'n, Sec. 2.03]

Section 3. [Cross-reference to "Article I, section 4(c) of this Constitution" is to Delegate Proposal 18. U.S. Art I, Sec. 4, par. 1; Md. Arts. I (Secs. 1A and 5) and III (Secs. 42 and 47, and 49); Model, Sec. 3.02; Comm'n, Sec. 2.05]

Section 4. [U.S. Art. II, Sec. 1, par. 4; Md. Decl., Art. 7 and Arts. II (Sec. 3), IV (Secs. 11 and 12), V (Secs. 2 and 8), XV (Sec. 7) and XVII (Secs. 2 and 11); Comm'n, Sec. 2.06]

Section 5. [Comm'n, Sec. 2.07]

Section 6. [Md. Art. XVI, Secs. 2 and 3(b); Comm'n, Sec. 8]

Section 7. [Md. Art. XVI, Sec. 3(a); Comm'n, Sec. 2.09]

Section 8. [Md. Art XVI, Secs. 2 and 6; Comm'n, Sec. 2.10]

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College Park Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 52

BY DELEGATE Koger

September 18, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Constitution dealing with the Bill of Rights shall read as follows:

That no person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the laws, or be subject to discrimination by law or other governmental action or denied the enjoyment of any civil or political right because of race, creed or color.

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University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 53

BY DELEGATE Koger

September 18, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Constitution dealing with Declaration of Rights shall read as follows:

That the State or any sub-division thereof shall not grant a public license to any person or firm that shall deny any right to any person because of race, creed or color.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 54

BY DELEGATE SIEWIERSKI

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the General Assembly shall convene annually for a period of ninety days.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 55

BY DELEGATE SIEWIERSKI

September 18, 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 2.08 of Article II of the constitution dealing with Suffrage and Elections shall read as follows:

Section 2.08 Right of Referendum

If within sixty days from the date on which a bill becomes law, a petition is filed with the office of the governor to refer the law to a vote of the people, the law shall be submitted to a vote at the next general election. If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter, and shall not be re-enacted for a period of two years. If the petition is filed before the date on which the law is to take effect, then, unless the law is passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those voting on the question in the election.

Constitutional Convention

DELEGATE PROPOSAL NO. 56

BY DELEGATE Cardin

September 18 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I, Section 1.04 of the Constitution shall read as follows:

No person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the laws, or be subject to discrimination by law or other governmental action because of religion, race, color, national origin or sex.

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Constitutional Convention

DELEGATE PROPOSAL NO. 57

BY DELEGATE Byrnes

September 18, 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL providing for Initiative and Referendum

Section .01. Legislative Initiative

(a) The people reserve to themselves the power to propose laws and to enact or reject such laws at the polls. This reserved power is the initiative.

(b) The sponsors of an initiative petition shall incorporate therein either the full text of the law proposed or an adequate summary. The petition shall be signed by qualified voters equal in number to at least 5 per cent of the total votes cast for governor in the last preceding gubernatorial election. Initiative petitions shall be filed with the secretary of the legislature. If the proposed law is not enacted into law at the next ensuing session of the legislature, the question of the adoption of the proposed law shall be submitted by the secretary of the legislature to the qualified voters at the first regular election held not less than sixty days after the end of the session which fails to enact the proposal. The legislature may provide by law for a procedure by which the sponsors may withdraw an initiative petition at any time prior to its submission to the people.

(c) Each law proposed by the initiative shall be submitted to the qualified voters by a ballot title which shall be descriptive but not argumentative or prejudicial and which shall be prepared by the legal department of the state, subject to review by the courts. Any initiative proposal submitted to the voters shall become law only when approved by a majority of the votes cast thereon and shall take effect thirty days after the date of the vote thereon, unless the proposal itself otherwise provides.

(d) The initiative shall not be used to enact laws making or repealing appropriations of public funds, dedicating revenues, creating courts or defining their jurisdiction or prescribing their rules, naming or designating any person to hold a public office, or to enact or abrogate special or local laws.

(e) No law adopted by the initiative by the vote of the qualified voters under this section shall be repealed or amended by the legislature within a period of three years of adoption except by a two-thirds vote of all the members.

Section .02. Referendum on Legislation

(a) Any bill failing of passage by the legislature may be submitted to referendum by order of the governor, either in its original form or with such amendments as were considered by the legislature as he may designate. Any bill which, having passed the legislature, is returned thereto by the governor with objections and, upon reconsideration, is not approved by a two-thirds vote of all the members but is approved by at least a majority thereof, may be submitted to referendum by a majority of all the members. Bills thus submitted to referendum shall be voted on at the next succeeding regular election occurring at least sixty days after action is taken to submit them, unless the legislature shall provide for their submission at an earlier date.

(b) The legislature may provide, by a vote of the majority of all the members, that a law shall not become effective until it is submitted to a referendum and is approved by a majority of the qualified voters voting thereon.

(c) If, within sixty days from the date on which a bill becomes law, a petition is filed with the office of the governor to refer the law to a vote of the people, the law shall be submitted to a vote at the next general election. If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter. If the petition is filed before the date on which the law is to take effect, then, unless the law is one passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those voting on the question in the election. Each law submitted to referendum shall be submitted to the qualified voters by a ballot title which shall be descriptive but not argumentative or prejudicial and which shall be prepared by the legal department of the State.

Section .03. Conflicting Legislative Proposals.

If conflicting provisions of law submitted to the voters at the same election are approved, the provision receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

Marshall Rosen
University of Maryland Library
College Park, Md.

MEMORANDUM By Delegate Byrnes to Accompany Delegate Proposal #57

"Initiative" refers to measures proposed by petition of the electors, and later voted on at the polls.

"Direct Initiative" refers to such measures, placed upon the ballot by mandatory process, without action by the legislature.

"Indirect Initiative" refers to such measures sent to the legislature for action thereon before being placed on the ballot. If the legislature approves, the measure becomes law in the normal fashion. If the legislature disapproves, the measure is placed on the ballot and may be rejected or voted into law by the electors. If the legislature neither approves nor disapproves, but amends, alters, or changes the measure, or proposes a substitute measure, the original and the altered or substituted measure are usually both placed upon the ballot, and either may be voted into law.

"Referendum" refers to measures originated by the legislature and placed upon the ballot for approval or rejection by the electors. Such electoral action is usually construed to enact the proposal into law or reject it, though in a few instances, such referenda have been interpreted as advisory only, for the guidance of the legislature. The process by which an initiated measure is placed upon the ballot and voted upon is sometimes called colloquially a "referendum" and the proposal a "referred measure" but such usage is not here employed.

Indirect Initiative and Referendum are partners and only two states of the twenty-one with Referendum do not have either Direct and/or indirect initiative.

The same advantages flow from both. The same disadvantages might be attributed to both. The fundamental question is: Should the people have a limited right to participate, in an orderly and guarded fashion, in the making and unmaking of laws? It is submitted that they should.

In terms of confidence in the legislature, indirect initiative reflects the same confidence in the legislature as the referendum process. Both permit the citizen a right of disagreement.

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College Park, Md.

INITIATIVE

This proposal provides only for "indirect initiative". There is some validity to the argument that initiative represents something on a usurpation of legislative powers by the people and to the extent of this validity but in recognition that the people do not turn over all governmental power for four years, it is submitted that a suggested law be first submitted to the legislature for its consideration.

It is often argued that anyone can have a bill introduced "by request." Realistically such bills are given little consideration without the serious urging of the legislator submitting the bill. This procedure will ensure serious consideration by the legislature and serious consideration and debate could produce:

(a) a substantially equivalent law the legislature believes is in the public interest which satisfied the proponents; or

(b) arguments against enactment which cause the proponents to recognize either the proposal is not in the public interest or, regardless, that it will fail at the polls establishing an unfavorable precedent for future efforts along the same lines.

The proposal suggests that certain types of laws be exempted from the indirect initiative because of their seriously disruptive nature (this probably be altered to read as Sec. 2.10 of the Commission Draft) and precludes the legislature from thwarting the expressed will of the people by anything less than a two-thirds vote which could be obtained if the initiated law were seriously jeopardizing the public welfare in some unforeseen way.

Implicit in the provision that an initiated proposed law "shall become law only when approved a majority of the votes cast thereon" is the absence of gubernatorial veto.

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REFERENDUM

The proposal provides for four routes to referendum.

1. (page 2, lines 29 to 33) The governor may go directly to the people with a bill which a politically motivated legislature refuses to pass and which the governor thinks is in the best interest of the state. To add a measure of flexibility, the governor may benefit by the deliberations of the legislature and refer the law in language differing from the original bill.

2. (pg. 2, lines 33 to 44) Conversely, the legislature may refer directly to the people a proposed law which a majority of its members approve but a governor, perhaps for partisan reasons, vetoes.

3. (pg. 2 lines 46 to 50) Very often a decision will confront the legislative representatives of the people that weighs very evenly on both sides. In this event, when the decisional process becomes highly subjective and the legislature feels the proposal is peculiarly one requiring the direct judgement of the people, this proposal permits them to go directly to them.

4. (pg. 3, lines 1 to 19) Finally, a law repugnant to a significant minority of the people which has passed without sufficient debate or public awareness should be submissable to the people as a whole.

All of these routes to the people rest upon the philosophical premise that the people do not abdicate their right to self government for a period of four years. Rather they delegate to elected representatives the right to make final decisions for them insofar as the people wish them to do so. The people share governmental decision responsibility with their elected officials. It is conceded that some abuse of these devices is possible; but what to some is an abuse of a right to others might be a courageous pursuit of a right.

Granted also that even if the cause is just these devices are interruptions in the orderly processes of our democratic representational system. I submit that, in drafting a constitution we should pay more heed to the democratic than to the representational and democracy has always had a large element of inconvenience and disruption of orderly ways.

The reservation of initiative and referendum powers is not a declaration of no confidence in the legislature. It is simply a reservation of the right to disagree.

All of these devices produce one essential product - a continuing dialogue between governors and governed. This dialogue

may be a silent one in that the executive and legislative branches will sense, as Woodrow Wilson phrased it, "the shotgun behind the door". It will prompt more careful surveys of public sentiment. It will encourage citizens to express their sentiments more directly and frequently. When the issue is actually referred to the people the dialogue becomes vocal and at this point will develop one of the most important functions of an active democratic system - public education. Because of the volume of legislative business, very little educating is normally possible. An issue on the ballot quickly attracts the attention of the people, special interest groups, citizen participation organizations and public media. Debate of the issue will not only inform people of the precise issue being debated, but, more importantly, it will contribute to the development of an atmosphere of public interest and debate which will affect the whole sphere of public issues.

The objection that these devices theoretically interfere with the legislative process ignores the premise suggested above. These devices should be part of the legislative process in a democratic society. Practical interference is in fact caused by only one of the devices - placement of enacted bills on the ballot. The problem is caused by the suspension provisions. Suspension is necessary to prevent frustration of the purpose of the referendum and is, in any event, hedged by the emergency law exemption.

It seems clear that a new constitution will substantially increase the powers of the executive and legislative branches by reducing the direct restraints on their authority and by eliminating, to some extent, the intra-departmental checks and balances. If this proves to be the case, the power of the people should be to some extent increased in compensation. This in effect is what these devices are designed to accomplish. The governor and the legislature will operate aware that the people have a means of expressing themselves on any issue that is before them.

Direct initiative and recall are also methods of direct popular expression; but because they entirely ignore the representational aspect of representational democracy, they are extreme and, comparatively, subject to more abuse and therefore are not recommended.

A practical consideration that should be noted is that inclusion of these devices will be a very strong selling point for a new constitution that is very permissive in areas many persons might find sensitive.

Sections 2.09 and 2.10 of the Commission draft are recommended on the questions of the number of signatures and the issues to be exempted from referendum. No specific authority to the lsgislature to pass laws to facilitate the use of Initiative and Referendum seems to be necessary since plenary power to regulate the conduct of elections is already conferred.

Hornbake Library
College Park, MD.

The use of the Referendum in Maryland has been infrequent. Since the addition of Article XVI in 1915, eleven state laws have been petitioned to referendum. This number does not include constitutional amendments, which must also be voted upon at general elections. Nor does it include local referendum questions on locally-passed ordinances in the charter counties and Baltimore City.

The dates of the elections in which there were referendum questions, the votes cast for and against the question, the results, and the percent of those voting for the top office who also voted on the referendum, are as follows:

		For	Against	Result	%
1966	Construction of a parallel Bay Bridge	248,942	289,418	Defeated	58%
1964	Prohibit discrimination in places of public accomodation	342,715	301,505	Approved	58%
1962	Establish Department of Building Savings & Loan Associations	278,951	52,706	Approved	43%
1962	Baltimore Municipal Court	200,790	73,451	Approved	36%
1962	Benefit change in unemployment insurance laws	242,895	185,010	Approved	56%
1962	Congressional redistricting	115,557	211,904	Defeated	43%
1960	Potomac River Compact	244,510	204,837	Approved	43%
1948	Office & duties of Commissioner of Motor Vehicles	117,789	140,287	Defeated	40%
1940	Creation of Commissioner of Fisheries & inspection of oysters & collection of taxes thereon	57,220	147,602	Defeated	31%
1940	Revision of State Workman's Compensation Act	127,754	70,580	Approved	30%
1938	Fixing the time within which marriage licenses may be issued & establishing a 48-hr. waiting period	167,122	57,369	Approved	40%

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The following is a survey of 21 states with these devices indicating between the years 1956 and 1964 the number of times they were used and the general issue involved:

Alaska	4	- statehood, state boundaries, location of state capital.
Arizona	5	- premarital examinations and licenses, name of state university, merit system, establishment of Board of Appraisal Standards, railroad labor practices.
Arkansas	7	- Workmen's Compensation, school pupil assignment, sales tax, railroad labor practices, minimum wage, Motor Vehicle Commission, School Fund.
California	11	- Oil & gas conservation, boxing exhibitions, state taxes, chiropractics, education bonds, historical landmarks, veterans benefits, osteopaths, pay TV, railroad labor practices.
Colorado	3	- daylight savings, reapportionment.
Idaho	1	- right to work
Main	0	
Massachusetts	5	- public employee pensions, legislature salaries, income tax, gubernatorial appointments.
Michigan	1	- elimination of straight party tickets.
Missouri	1	- branch banking
Montana	0	
Nebraska	1	- truck use highway tax.
Nevada	4	- school financing, right to work, sales & use taxes.
New Mexico	1	- party nominations
North Dakota	10	- trading stamps, State Scholarship Board, school district reorganization, reapportionment, railway labor practices, party primary procedure, sale of alcohol.
Ohio	0	

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Oklahoma	8 -	reapportionment, prohibition, withheld income taxes, filling vacancies of Senator & certain judges, state aid to school districts, school desegregation, school superintendents.
Oregon	10 -	fishing regulation, cigarette sales tax, state old age-disability pension, school support tax, income tax, billboard controls, school district reorganization, Workmen's Compensation.
South Dakota	4 -	State Soldier's Home, state jurisdiction over Indians, unemployment benefits, voter registration period.
Utah	2 -	horse racing regulation, merit system for Sheriffs.
Washington	19 -	Right to work, reapportionment, civil service for sheriff's office, tax on insurance benefits, bond issue for university, liquor licenses, civil service for state employees, joint tenancy-realty, daylight savings time, water conservation, milk regulation, audit of municipal accounts, allocation of water craft fuel tax, bonds for recreation and school and correctional facilities, licensing of gambling rooms.

(Washington requires 6% of votes for governor; but no more than 30,000 signatures)

TOTAL: 97. Of this total approximately 62 were initiated measures and the balance referred. No clear pattern emerges as to the type of question favored in initiative or referendum, nor as to whether or not the efforts were positive or negative in nature. For example, the measures dealing with taxes ran the full spectrum of establishment and disestablishment by referendum and initiative.

It is impossible to review the list of measures and make value judgements whether or not a given referred or initiated measure was obstructionistic or anti obstructionistic. It does seem that most were not frivolous. A very limited survey of the organizers of initiatives and referenda reveals what is probably self evident - that limited interest groups were very often involved, e.g. AFL-CIO or business associations. The survey also reveals that the percentage response on these issues came very close to the percentage vote on the top elective position involved indicating, at least, high voter interest.

The following Maryland figures will be helpful in evaluating various possible percentage requirements:

Election Year	Vote for Governor	Percentages			
		3%	4%	5%	6%
1954	700,484	21,015	28,019	35,024	42,029
1958	763,234	22,897	30,529	38,162	45,794
1962	775,101	23,253	31,004	38,755	46,506
1966	919,760	27,593	36,790	45,988	55,183

The most effective single check on the promiscuous use of either the indirect initiative or the direct referendum is the number of signatures required. When coupled with a requirement that more than one county or legislative district be represented in the total, it can readily be seen that significant popular sentiment will have to exist before either device will place an issue on the ballot.

The very comprehensive monograph by Ralabate submitted to the Commission contains a complete statistical survey of the states with Initiative and Referendum. One of his summaries is as follows:

	Average Signature Requirement
Initiative	84,679
Referendum	63,400
	Median Signature Requirement
Initiative	47,350
Referendum	35,488 - 31, 804
	Average Percentage Requirement
Initiative	7.84%
Referendum	6 %
	Median Percentage Requirement
Initiative	8%
Referendum	5%

The following chart will also be helpful:

Chart adopted from Principles and Problems of State and Local Government - pp. 7[illegible]1

Majority - Maj.

	INITIATIVE					REFERENDUM	
State	Type: Direct, Indirect, Both	Size of Petition *	Vote for Enactment	May be submitted by: Petition	May be submitted by: Legislature	Size of Petition *	Vote for Enactment
Alaska	Direct	10% of number of persons who voted in the preceding general election[1]	Maj.	Yes	Yes	10% of number of persons who voted in the preceding general election[1]	Maj.
Arizona	Direct	10% for laws 15% for constitutional amendments	Maj.	Yes	Yes	5%	Maj.
Arkansas	Direct	8%[2]	Maj.	Yes	-	6%[2]	Maj.
California	Both	8%[3]	Maj.	Yes	Yes	5%	Maj.
Colorado	Direct	8% vote for secretary of state	Maj.	Yes	Yes	5% vote for secretary of state	Maj.
Idaho	Direct	10%	Maj.[4]	Yes	Yes	10%	Maj.[4]
Maine	Indirect	10%	Maj.	Yes	Yes	10%	Maj.
Maryland	-	-	-	Yes	-	3%	Maj.
Massachusetts	Indirect	3%	Maj.[5]	Yes	-	2%[6]	Maj.[5]
Michigan	Indirect	8%	Maj.	Yes	Yes	5%	Maj.
Missouri	Direct	5%[1]	Maj.	Yes	Yes	5%[1]	Maj.
Montana	Direct	8%[7]	Maj.	Yes	Yes	5%[7]	Maj.
Nebraska	Direct	7%[9]	Maj.[8]	Yes	-	5%[9]	Maj.[8]
Nevada	Indirect	10% based on number of votes cast at last election	Maj.	Yes	-	10% based on number of votes cast at last election	Maj.
New Mexico	-	-	-	Yes	-	10%[10]	Maj.[11]
North Dakota	Direct	10,000	Maj.	Yes	-	7,000	Maj.
Ohio	Both	3%[12]	Maj.	Yes	-	6%[13]	Maj.
Oklahoma	Direct	8% of number of votes cast for state office receiving highest vote	Maj.[14]	Yes	Yes	5% of number of votes cast for state office receiving highest vote	Maj.[14]
Oregon	Direct	8% of number of votes cast for Supreme Court Justice	Maj.	Yes	Yes	5% of number of votes cast for Supreme Court Justice	Maj.
South Dakota	Indirect	5%	Maj.	Yes	-	5%	Maj.
Utah	Both	10%	Maj.	Yes	-	10%	Maj.
Washington	Both	10%[15]	Maj.[16]	Yes	Yes	6%[17]	Maj.[16]

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*NOTE: All percentages indicating the size of a petition represent a percentage of the vote cast for the office of governor in the preceding gubernatorial election unless otherwise stated.

FOOTNOTES:

1. Resident in at least two-thirds of the election districts.
2. Including signatures not less than one-half of the designated percentage in each of 15 counties.
3. Only 5% is required if the question is to be submitted to the legislature.
4. A majority of the aggregate vote cast for governor at that election is necessary for approval.
5. Including 30% of the total vote cast at that election.
6. One and one-half per cent on emergency measures or non-suspended measures, not more than one-fourth from any one county.
7. Including the same percentage of signatures in each of two-fifths of the counties.
8. Including 35% of the total vote cast at that election.
9. Including 5% of the signatures of electors in each of two-fifths of the counties.
10. Including 10% from each of three-fourths of the counties.
11. Including 30% of the total vote cast at that election.
12. If not passed by the legislature, a second petition of 3% is required to bring the question to the ballot.
13. Signatures must come from one-half the counties with not less than one-half of the required percentage of the electors of such county.
14. Including a majority of the vote cast at that election.
15. 10%, but in no case more than 50,000 signatures.
16. Including one-sixth of the total vote cast at that election.
17. 6%, but in no case more than 30,000 signatures.

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Constitutional Convention

DELEGATE PROPOSAL NO. 58

BY DELEGATE BYRNES

September 18 , 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to establish certain general election dates at two year intervals and provide for primary elections and local general elections.

There shall be a general election for all state executive and legislative elective offices on the second Tuesday in November in 1970 and every four years thereafter.

There shall be a general election for all county, Baltimore City and metropolitan and regional elective executive and legislative offices on the first Tuesday in November in 1972 and every four years thereafter.

There shall be a general election for all other political subdivision elective executive and legislative offices at such uniform time and intervals as designated by law.

The General Assembly may by law provide for party primary elections, provided that no primary election may be scheduled less than three months, nor more than six months, prior to the general election.

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MEMORANDUM

BY: Delegate John Carroll Byrnes to accompany Delegate Proposal #58

The measuring point for the election date in the proposal should read "Tuesday next after the first Monday of November."

To focus public attention on the important elective officials in the various levels of government the number of elective positions should be drastically reduced. This reduction plus the concentration of the public on the elections themselves at less frequent intervals should greatly increase voter interest and participation.

In Baltimore City, depending on the political conflicts, campaigning can occur during eighteen of every forty-eight months. This is true also in many municipalities.

The average citizen wants only to be informed of the issues and personalities and the opportunity, at reasonable intervals, to state preferences. Faced with the huge number of candidates for many important legislative posts and a smaller number of contestants for a huge number of executive, quasi-executive, quasi-judicial, judicial and historical positions at too frequent intervals, the average citizen might be excused for his disinterest.

Elections should be held as infrequently as the public interest will permit.

We are obliged to stage at least two general elections during every four years. We should therefore have all of our elections at these two times.

Since the personal popularity of a national ticket does but should not affect the judgment of the electorate in their preferences for state executives and, to a lesser extent, state legislators, these two should be separate.

This also permits our state chief executives to participate in national politics and policies. Since there is little likelihood or at least less of the national ticket's popularity affecting the judgment of the electorate on the qualifications of a municipal or county executives and legislators, these two could be combined. Since there is no difference between Baltimore City and County elections that justifies subjecting Baltimore City voters to three major elections in every four years, there should be no distinction between the two.

The elections would be as follows:

1970 State and municipal executives, legislators, U.S. Senators and Congressmen.

1972 National, executives and congressmen, county (Baltimore City) executives and legislators and other municipal elections with two year terms.

There is a great advantage to requiring uniform years and dates within those years for elections.

In the area of elections, the convention should give great attention to changes that might yield the following advantages:

1. less frequent elections (and election decisions) to avoid "election fatigue" and increase the overall participation and understanding of the citizenry.

2. increase in media coverage of elections and attendant issues that would result if all elections are on the same dates and years and are of importance to more of the media's audience and market.

3. increase in exchange of views and transmission of ideas from one election area to another that would be facilitated by increased media coverage. This is particularly true in the case of municipal elections which experience a low registration and participation, which is not unrelated to the fact that municipal elections often occur at different intervals and dates from the state or county election and consequently are subject to less general attention and discussion. For example, no major newspaper can afford to give adequate coverage to the candidates and issues involved in all municipal contests and local newspapers are often unable or unwilling to afford adequate coverage. But if all elections were

held at one time this fact in itself would increase the importance of the elections as a newsworthy event and coverage by all media would be increased. The increase in coverage would increase voter interest which, with time would result in further increases in media coverage.

There is no evidence that merging various levels of election results in a decline in voter interest in local issues or candidates. All the evidence we have indicates that election mergers draw more people. Those who have an interest in only one set of issues or candidates vote at that level only; but many of those who normally vote at only one level have their attention drawn to other levels before the election and respond there as well. It must be admitted that the risk of uninformed responses is slightly increased.

However, it would seem that rather than vote blindly on issues, the evidence indicates that most people decline to vote at all. Votes cast, for example, on issues are normally far less than votes cast for persons.

There are some administrative problems such as separate voter registration books for municipal and state elections. These could be and should be eliminated by uniform election laws which could permit different intervals for local elections, but uniform registration procedures, election dates and regulations.

Ideally, however, municipal elections should occur with another higher level election.

There is nothing so peculiar about local elections that they should have their own election procedures and dates. Such local autonomy might be permissible if it produced recognizable advantages and didn't produce the disadvantages already alluded to.

The only real distinction between municipal elections and state or county elections is that some municipal charters now allow persons (e.g. under 21 and non-resident property owners) to vote who couldn't vote in county and state elections. If the administration of two elections with different voter qualifications proves too cumbersome, the General Assembly should be permitted to provide for municipal elections on off years but at uniform times. A schedule of annual elections has been suggested. Of this I can only say that the average citizen would find twenty-four months out of forty-eight spent in campaigning something less than exhilarating.

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Constitutional Convention

DELEGATE PROPOSAL NO. 59

BY DELEGATE BYRNES

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

The Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that an appointive States' Attorney be appointed pursuant to the same procedures and mechanism suggested for judicial appointments in the Commission Draft.

Constitutional Convention

DELEGATE PROPOSAL NO. 60

BY DELEGATE HUTCHINSON

September 18, 1967.

Introduced, read the first time and referred to the Committee on General Provisions.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I of the Constitution containing the Declaration of Rights shall include a section which shall read as follows:

Any student of a state institution of higher learning in the State of Maryland, who has been accused of offense against accepted college policy shall have the right to be informed of the charge against him in time to prepare his defense, to have a hearing before a board composed of members of the administration, faculty, and student body, before judgment of guilt or innocence is decided. Expulsion, suspension, or any other punishment shall remain in the hands of the institution's President, upon the decision of guilt or innocence by the board.

College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 61

BY DELEGATE HUTCHINSON

September 18 , 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article II of the Constitution dealing with suffrage and elections shall include a section referring to the referendum which shall read as follows:

Once a law has been voted down by the people of the state, no subsequent law designed to accomplish that which was voted down by the people will be re-introduced by the Legislature or Governor.

The only method of re-introduction will be by a petition signed by a number of qualified voters equal to six per cent of the total number of votes cast for Governor in the most recent gubernatorial election unless three years has passed since the law was defeated, thereafter it may be re-introduced by the Legislature or Governor.

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Constitutional Convention

DELEGATE PROPOSAL NO. 62

BY DELEGATE EDWARD DABROWSKI

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article II, Section 2.06 of the Constitution containing the day on which the general election shall be held shall read as follows:

Section 2.06. General Elections

A general election shall be held on the second Sunday in November in the year 1970, and on the same day every even year thereafter. The candidates receiving the highest number of votes shall be elected to the offices for which they were candidates.

Constitutional Convention

DELEGATE PROPOSAL NO. 63

BY DELEGATE MARION

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that should a bicameral legislature be adopted Section 3.04 of the Constitution shall read as follows:

One senator shall represent each senatorial district. One delegate shall represent each house district.

Constitutional Convention

DELEGATE PROPOSAL NO. 64

BY DELEGATE MARION

September 18, 1967.

Introduced, read the first time and referred to the Committee on

The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that should a bicameral legislature be adopted Section 3.04 of the Constitution shall read as follows:

One senator shall represent each senatorial district. At least one delegate, but not more than three delegates, shall represent each house district.

College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 65

BY DELEGATE MARION

September 18 , 1967.

Introduced, read the first time and referred to the Committee on

The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 3.07 of the Constitution shall provide for the filling of vacancies in the General Assembly by special election rather than by appointment.

Constitutional Convention

DELEGATE PROPOSAL NO. 66

BY DELEGATES Lee J. Sosnowski and
Arthur W. Kirkland

September 18, 1967.

Introduced, read the first time and referred to the Committee on

General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article VIII Section 8.03 on Public Education shall read as follows:

The General Assembly, at its First Session after the adoption of this Constitution, shall by Law establish throughout the State of Maryland a thorough and efficient System of Free Public Schools which shall consist of a program of pre-school education and a minimum of two years of post high school education; and shall provide by taxation, or otherwise, for their maintainance. The General Assembly shall also provide for such other public educational institutions as may be desirable for the intellectual, cultural and occupational development of the people of this State.

[illegible]

Constitutional Convention

DELEGATE PROPOSAL NO. 67

BY DELEGATE WAGANDT

September 18 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the number of members of each house of the General Assembly shall be prescribed by law, but the number of delegates shall not be less than 80 nor more than 110. The number of senators shall not exceed one third of the number of delegates. At least one delegate, but not more than three delegates, shall represent each house district. Each senator shall represent one senate district.

Constitutional Convention

DELEGATE PROPOSAL NO. 68

BY DELEGATE WILLONER

September 19, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I of the Constitution containing the Declaration of Rights shall contain the following provision regarding the protection of religious freedom:

No law shall be enacted respecting an establishment of religion. Every person shall have the right to worship or not to worship as he thinks most acceptable. And, no person shall be disqualified from holding a public office or be rendered incompetent as a witness or juror because of his opinion on matters of religious belief. And, no public funds shall be spent for the direct or indirect benefit or support of any sectarian activity or institution or for any activity or institution in which any sectarian or denominational tenants or doctrines are taught or in which any form of racial or religious segregation, discrimination or bias is practiced.

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Constitutional Convention

DELEGATE PROPOSAL NO. 69

BY DELEGATE CARDIN

September 19, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that an Attorney General be elected.

There shall be an Attorney General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, nineteen hundred and seventy and on the same day, in every fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto.

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Constitutional Convention

DELEGATE PROPOSAL NO. 70

BY DELEGATES BENNETT and MURRAY

September 19 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Bill of Rights shall contain a provision concerning the rights of the accused, and shall read as follows:

A person accused of crime shall have the right to be informed of the charge against him in time to prepare his defense, to have the assistance of competent counsel, compensated as the legislature may provide, to be confronted with and to examine under oath or affirmation the witnesses against him, to have compulsory process for obtaining witnesses and to have a speedy and public trial in the jurisdiction where the crime is alleged to have been committed and before an impartial jury, the concurrence of at least five-sixths of whom shall be necessary for a verdict of guilty, except in a capital case, where the unanimous consent of the jury shall be required for a verdict of guilty.

Constitutional Convention

DELEGATE PROPOSAL NO. 71

BY DELEGATES BEACHLEY and PULLEN

September 19 , 1967.

Introduced, read the first time and referred to the Committee on General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Bill of Rights contain a provision as follows:

In a democracy every individual has the right to a free education, irrespective of its length, to be determined by the duties and responsibilities he shall have to share as a citizen and by his needs and particular abilities.

It is therefore the responsibility and obligation of the State to guarantee, at public expense, to each and every citizen this right--regardless of race, creed, color, sex, or financial status.

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Constitutional Convention

DELEGATE PROPOSAL NO. 72

BY DELEGATE DORSEY

September 19, 1967.

Introduced, read the first time and referred to the Committee on

State Finance and Taxation.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that on and after July 1, 1972 the State of Maryland and the political subdivisions thereof shall not levy nor collect any tax on income from any person or corporation nor shall the said state or political subdivisions thereof levy or collect any tax on earnings or payrolls.

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Constitutional Convention

DELEGATE PROPOSAL NO. 73

BY DELEGATE BYRNES

September 19, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL providing for residence qualifications for Senator and Delegate.

Section 3.05. Qualifications of Legislators

No person shall be eligible as a Senator or Delegate, who at the time of his election or appointment is not a citizen of the State of Maryland, and who has not resided therein, for at least three years immediately preceding the day of his election, and the last year thereof in the legislative district or subdistrict which he may be chosen to represent. If such district or subdistrict shall not have been established for said period of one year then he shall have resided in the County, or City, from which, in whole, or in part the district or subdistrict may have been formed. To be eligible as a senator, a person shall have attained the age of twenty-five years, and, to be eligible as a delegate, he shall have attained the age of twenty-one years at the time of his election or appointment. No member of Congress, or person holding any civil, or military office under the United States, may seek or hold the office of Senator or Delegate.

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Constitutional Convention

DELEGATE PROPOSAL NO. 74

BY DELEGATE SOLLINS

September 19, 1967.

Introduced, read the first time and referred to the Committee on

The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the article of the Constitution establishing the Legislative Branch shall embody the following:

1. That the General Assembly shall be a unicameral body;

2. That the number of legislators shall be prescribed by law, but in no event shall be more than 100;

3. That the General Assembly shall consist of one member to represent each legislative district;

4. That each member of the General Assembly shall be a qualified voter of the State, a resident of the State for two years, and at least 21 years of age;

5. That members shall be elected for a 4 year term;

6. That the General Assembly shall be a continuing body, but shall not meet for more than 90 plenary session days per calendar;

7. That in the event of a vacancy, a special election shall be called by the Governor to fill said vacancy within 60 days of the vacancy and the person elected at such special election shall fill said vacancy for the balance of the term;

8. Immediately following each decennial census, the governor shall appoint a board of 25 qualified voters to make recommendations within ninety days of their appointment concerning the redistricting of the state. The governor shall publish the recommendations of the board when received. The governor shall promulgate a redistricting plan within ninety to one hundred and twenty days after appointment of the board, whether or not it has made its recommendations. The governor shall accompany his plan with a message explaining his reasons for any changes from the recommendations of the board. The governor's redistricting plan shall be published in the manner provided for acts of the legislature and shall have the force of law upon such publication. Upon the application of any qualified voter, the supreme court, in the exercise of original, exclusive and final jurisdiction, shall review the governor's redistricting plan and shall have jurisdiction to make orders to amend the plan to comply with the requirements of this constitution or, if the governor has failed to promulgate a redistricting plan within the time provided, to make one or more orders establishing such a plan.

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Constitutional Convention

DELEGATE PROPOSAL NO. 75

BY DELEGATE WILLIAM W GULLETT

September 19 , 1967.

Introduced, read the first time and referred to the Committee on Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to establish the eligible voting age.

Every citizen of the United States who has attained the age of twenty years, who has been a resident of this State for six months and of the House of Delegates district in which he offers to vote for three months next preceding an election, and who is registered to vote, shall be qualified to vote at such election for all officers to be elected by the people and upon all questions submitted to a vote of the people.

University of Maryland Libraries
College Park, MD

Constitutional Convention

DELEGATE PROPOSAL NO. 76

BY DELEGATE JOHN W. NEUMANN AND DAVID MACDONALD

September 19 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and The Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the State, its agencies and its political subdivisions and charitable organizations shall not be immune from suit.

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University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 77

BY DELEGATE WILLIAM W. GULLETT

September 19 , 1967.

Introduced, read the first time and referred to the Committee on State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL regarding retroactive taxation.

All tax laws shall be prospective and a tax shall not be levied by the General Assembly which is based on a formula involving a period of time prior to the enactment of said tax law.

The intent of this proposal is to prohibit the general assembly from establishing taxes that are calculated on a retroactive basis.

Leonard Woods
Library of Mackenzie College
College Park, MD

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 78

BY DELEGATE ROBERT A. PASCAL

September 19, 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that no person shall be in conflict of interest with Government.

No person shall be qualified to be elected to any office unless he shall have filed, with the Clerk of Court, a detailed and itemized statement of his or her net worth with full and complete indication therein of any interest, either direct or indirect in its nature, in every contract, dealing or information had with any governmental body or agency.

No person shall be qualified to continue in office in service of any term to which he may have been elected except upon filing, on June 1 of each year following his or her election, a current statement with the Clerk of Court of like content; and except further that he shall require every person employed in or by the governmental body or agency administered by him or her to do likewise.

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Constitutional Convention

DELEGATE PROPOSAL NO. 79

BY DELEGATE HARDWICKE

September 19, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Bill of Rights protect universal human rights and that among these rights are the right to be free from fear, hunger and want.

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Constitutional Convention

DELEGATE PROPOSAL NO. 80

BY DELEGATES HENDERSON, SCANLAN and J. HODGE SMITH

September 19, 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL regarding the Declaration of Rights

A Proposal that the Declaration of Rights contain a provision guaranteeing an accused the right to a trial by an impartial jury, but that the number of jurors required for conviction be prescribed by law.

University of Maryland

MEMORANDUM ACCOMPANYING DELEGATE PROPOSAL NO. 80

In recommending that a unanimous jury be required for conviction in criminal cases, the Constitutional Convention Commission acknowledged that a "substantial minority of the Commission was of the opinion that a unanimous verdict should not be required by the constitution and the matter should be left open to the General Assembly". We believe the minority was right.

The increasing frequency of the "hung jury" occurring because of the recalcitrancy of one or two members, and the alarming increase in attempts at jury tampering, have led other jurisdictions, including New York and Canada, to permit convictions by less than a unanimous jury. If we are to freeze the unanimous verdict requirement in the State Constitution, it will be extremely difficult for Maryland to consider and possibly adopt any relaxation of the unanimous jury requirement.

While our Anglo-Saxon tradition and our constitutional history guarantee the right of an accused to trial by an impartial jury, that guarantee does not necessarily imply that the verdit be unanimous. Many years ago, America's most famous liberal jurist, Mr. Justice Holmes, observed that: "At the present time in this country there is more danger that criminals will escape justice than that they will be subject to tyranny." Kepner v. United States 195 U.S. 100, 134. We express no opinion on whether Mr. Justice Holmes's ironic observation holds today. However, we are convinced that to permit the General Assembly the right to prescribe less than unanimous verdict requirements would furnish some assurance that the obviously guilty will not escape justice, without in any way impairing the fundamental Constitutional protections which every accused enjoys under American law.

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Constitutional Convention

DELEGATE PROPOSAL NO. 81

BY DELEGATES Scanlan and Bamberger

September 20, 1967.

Introduced, read the first time and referred to the Committee on Judicial Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Judiciary Article to be included in any new Constitution be a short, concise statement which does not set out a detailed organization of the judicial system of the State, nor provide the manner in which judges are to be selected.

The proposed Judicial Article should be limited to the following: (1) Vesting of the judicial power of the State in a unified judicial system; (2) Creation of a Supreme Court and such others as the General Assembly from time to time may establish; (3) Designation of the Supreme Court as the highest court of the State; (4) Vesting of original and appellate jurisdiction in the Supreme Court and provision for jurisdiction in all other courts as may be prescribed by law; (5) Judges to be selected as prescribed by law; (6) Qualifications for holding judicial office; (7) Provision for the administration of a unified judicial system, with the Chief Judge of the Supreme Court as its administrative head; (8) Financing; and (9) Rule-making power.

MEMORANDUM ACCOMPANYING DELEGATE PROPOSAL NO. 81

The 4-tiered judicial system proposed in the draft Constitution pending before the Convention is admirable. However, there is no need to embody it in the Constitution. The passage of time may soon demonstrate that it has major flaws requiring extensive revision. Let us not repeat the mistakes of the past under which Constitutional amendments were required to effect almost any significant improvement in judicial administration in Maryland.

Similarly, there is the greatest merit in the Commission's recommendation that judges be chosen under the so-called "Niles", or "Missouri", plan, but we don't believe that the plan should be enshrined in the Constitution. The manner in which judges are selected, whether they are to be appointed, elected under the Missouri plan, or elected as they are now, should be prescribed by law, not by Constitution.

The idea proposal, in support of which this comment is submitted, is based in good measure on the Judicial Article recommended in the Sixth Edition of the Model State Constitution. It also finds analogies in the constitutions of the States of New Jersey, Hawaii, and Alaska, and the Commonwealth of Puerto Rico, as well as in the Judicial Article of the United States Constitution.

The Constitution should deal only with fundamentals. A unified judicial system for the administration of justice is fundamental. However, with the exceptions noted in the proposal, the specifics of a particular type of court structure and the courts to be included in it are not matters that rise to the level of Constitutional requirements, so long as the legislative power to establish such courts is clearly vested in the Constitution.

Finally, the proposal suggests a form of the Judiciary Article which might be far less controversial and create less opposition than any Constitutional provision which goes into specifics regarding court structure and the manner of selecting

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Constitutional Convention

DELEGATE PROPOSAL NO. 82

BY DELEGATE **Richard W. Case**

September 20 , 1967.

Introduced, read the first time and referred to the Committee on Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL **relating to legislative sessions.**

ARTICLE III

LEGISLATIVE DEPARTMENT

Section 1.

The General Assembly shall be a continuing body during the term for which its members are elected. It shall meet in regular annual sessions, convening on the third Wednesday of January in each year and terminating as prescribed by law. The Governor may convene a special session of the General Assembly at any time and must convene a special session upon the written request of three-fifths of all the members of each house.

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Constitutional Convention

DELEGATE PROPOSAL NO. 83

BY DELEGATE **Richard W. Case**

September 20, 1967.

Introduced, read the first time and referred to the Committee on **Legislative Branch.**

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL **relating to the salaries and allowances of members of the General Assembly.**

ARTICLE III

LEGISLATIVE BRANCH

Section 2.

The members of the General Assembly shall receive an annual salary and such allowances as may be prescribed by law, but such annual salary shall not be less than one-half of the annual salary of the Governor.

Constitutional Convention

DELEGATE PROPOSAL NO. 84

BY DELEGATE JAMES E. SOUL

September 20, 1967.

Introduced, read the first time and referred to the Committee on Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL providing for the election and term of office of the Office of the Comptroller for the State of Maryland.

Section 1. Treasury Department.

There shall be a Treasury Department, consisting of a Comptroller chosen by the qualified electors of the State, at each general election at which the Governor is chosen, who shall receive such salary as may be fixed by Law; and a Treasurer, to be appointed by the two Houses of the Legislature, at each regular session thereof, in which begins the term of the Governor, on joint ballot, who shall receive such salary as may be fixed by Law; and the terms of office of the said Comptroller and Treasurer shall be for four years, and until their successors shall qualify; and neither of the said officers shall be allowed, or receive any fees, commissions or perquisites of any kind in addition to his salary for the performance of any duty or services whatsoever. In case of a vacancy in either of the offices by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election or a choice by the Legislature, as the case may be, and until the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of government, and shall take

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such oath, and enter into such bonds for the faithful discharge of their duties as are now, or may hereafter be prescribed by Law.

Constitutional Convention

DELEGATE PROPOSAL NO. 85

BY DELEGATE JAMES E. SOUL

September 20, 1967.

Introduced, read the first time and referred to the Committee on Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL providing for the election and term of office of the Office of the Attorney General for the State of Maryland.

There shall be an Attorney General elected by the qualified voters of the State at a time to be set by the General Assembly in every fourth year, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a Court of Law.

Univer... Park, Md

Constitutional Convention

DELEGATE PROPOSAL NO. 86

BY DELEGATES HOSTETTER, TAYLOR, BEACHLEY, PRICE

September 20, 1967.

Introduced, read the first time and referred to the Committee on **Personal Rights and the Preamble.**

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the following be added to Section 1.02 of the Declaration of Rights:

The people shall have the right to know how their government operates, and no law shall be enacted which shall shield the decision-making of legislative and administrative bodies from the purview of the people.

Constitutional Convention

DELEGATE PROPOSAL NO. 87

BY DELEGATES CICONE and JOHNSON

September 20 , 1967.

Introduced, read the first time and referred to the Committee on Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the provisions of Article V of the Constitution dealing with the office of "Attorney General and States Attorney" be incorporated into the Constitution.

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Constitutional Convention

DELEGATE PROPOSAL NO. 88

BY DELEGATE SCANLAN

September 20, 1967.

Introduced, read the first time and referred to the Committee on Local Government.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL Regarding The Form of The Article On Local Government

A proposal that the Local Government Article to be included in a new Constitution be short, concise statement which, with the exception of prohibiting the Legislature from passing local legislation, would vest broad powers in the General Assembly with respect t counties, cities and other political subdivisions, including those regional in character, such power to include the right to classify as among counties, as well as among municipalities, and to deal with or provide for the relationship between cities and counties by general public law.

MEMORANDUM ACCOMPANYING DELEGATE PROPOSAL NO. 88

Both the proponents and the opponents of the Local Government Article as proposed by the Constitutional Convention Commission make the same serious mistake. They insist that the Constitution be detailed and inflexible in spelling out the powers of the county vis-a-vis those of the municipalitity, or the other way around. However, both the counties and the municipalities, in the end, should be subservient to the General Assembly, the representatives of all the people.

The essentials of any article on local government should be: (1) Mandatory home rule; (2) The denial of any power in the Legislature to enact local legislation; and (3) At the same time, the grant to the Legislature of all the powers it may require (a) To classify cities and counties, (b) To legislate generally for them and other political subdivisions and (c) To provide the statutory mechanism under which the development of counties and municipalities will proceed simultaneously and in harmony.

An article of the type suggested in the proposal would have another significant advantage. It should partially abate the fierce antagonisms arising from several quarters over the direction to be taken by local government in Maryland.

Alfred L. Scanlan

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Constitutional Convention

DELEGATE PROPOSAL NO. 89

BY DELEGATE HENRY B. BOYLES

September 20, 1967.

Introduced, read the first time and referred to the Committee on General Provisions.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 8.05 dealing with Militia in Article VIII of the Constitution proposed by the Constitutional Convention Commission entitled "General Provisions" be amended as follows:

after the fourth sentence add-

"The members of the militia when in actual service shall be entitled to compensation such as shall be enacted by general law."

Constitutional Convention

DELEGATE PROPOSAL NO. 91

BY DELEGATES TAYLOR, HARDWICKE and MITCHELL

September 20 , 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that consideration be given to inclusion in the Declaration of Rights a provision for "Right to Life and a Decent Standard of Living" as follows:

The State shall protect the right to life of the people of this State by providing by law for assistance to the unemployed, under-employed, and other persons who are in need of a decent standard of living.

As a necessary safeguard to the public health and welfare, and in protecting the right to life, the State shall assist in the creation of means of employment, either through cooperation with private industry or directly through its own agencies and facilities, of all persons in need of such employment. Receipt of financial assistance by needy persons shall in no way impair, diminish or condition any other right, privilege, or protection guaranteed by the Constitution and laws of this State and of the United States.

Constitutional Convention

DELEGATE PROPOSAL NO. 92

BY DELEGATE KOSAKOWSKI Chairman, Sub-committee on The Preamble

September 20, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Preamble of the Constitution shall read as follows:

We, the people of the State of Maryland, commonly aware of individual and corporate rights, liberties, and obligations, though variously interpreting the character of their Source, do herein engage to assure the preservation of this heritage for all people by declaring:

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Constitutional Convention

DELEGATE PROPOSAL NO. 93

BY DELEGATE GROH

September 20 , 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to include in the Constitution, Article 1, Declaration of Rights, a provision regarding the right to bear arms to read as follows:

The right of the citizen to keep and bear arms for the lawful defense of his home, himself or the State shall not be abridged.

Constitutional Convention

DELEGATE PROPOSAL NO. 94

BY DELEGATE TAYLOR

September 20 , 1967.

Introduced, read the first time and referred to the Committee on Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article I, Section 1.04 of the Constitution shall read as follows:

No person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the laws, or be subject to discrimination by law or other governmental action because of religion, race, color, national origin, sex, or economic condition.

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DELEGATE PROPOSAL NO. 95

BY DELEGATE BYRNES

September 20, 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL providing for Referendum

If, within ninety days from the date on which the legislature adjourns or recesses the session at which a bill was enacted, a petition is filed with the office of the governor to refer the enactment or a part thereof, to a vote of the people, it, unless subsequently vetoed, shall be submitted to a vote at the next general election. If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter. If the petition is filed before the date on which the law is to take effect or within the ninety days above stated, then, unless the law is one passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those on the question in the election.

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Constitutional Convention

DELEGATE PROPOSAL NO. 96

BY DELEGATE EDWARD T MILLER

September 20, 1967.

Introduced, read the first time and referred to the Committee on

Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 2.02 of Article II of the Constitution dealing with eligible voters in presidential elections shall read as follows:

A person who has been a resident of this state less than six months next preceding an election, and is not eligible to vote by absentee ballot in his former domicile, but who is other wise eligible to vote under this article, may vote for President and Vice President of the United States or presidential electors in that election.

Constitutional Convention

DELEGATE PROPOSAL NO. 97

BY DELEGATE HARDWICKE

September 20, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the Bill of Rights shall contain a Bill of Social Rights as a separate and distinctive statement of the social rights of individuals.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal # 97

Social Rights which are the subject of this proposal are generally said to mean the rights of a person as a member of society and includes such rights as the right to an education and the right to participate in the programs and benefits of civilization.

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Constitutional Convention

DELEGATE PROPOSAL NO. 98

BY DELEGATE HARDWICKE

September 20 , 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that the rights of the people of the State of Maryland include rights both justiciable and non-justiciable.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal # 98

For purposes of defining the rights described in this Proposal, justiciable rights shall mean rights considered by the People of the State of Maryland subject to action in a court of justice, as distinguished from non-justiciable rights which are considered to be mere disagreement or debate that cannot be resolved by a decree.

Constitutional Convention

DELEGATE PROPOSAL NO. 99

BY DELEGATE WILLIS

September 20 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Section 6.10 of Article VI of the Constitution dealing with supplementary appropriation bills shall read as follows:

Any other appropriation shall be embodied in a separate bill called a supplementary appropriations bill, the purpose or purposes of which shall be clearly defined therein. In a regular session a supplementary appropriations bill may be considered by either house, but shall not be finally acted upon until the budget bill has become law, but such a bill may be considered and enacted at any time in a special session. A supplementary appropriation bill shall provide the revenue necessary to pay the appropriation by a tax, direct or indirect, to be levied and collected as prescribed therein, or in the case of a budget bill amendment or supplement which has not become law by funds available therefore in conformity with the estimate of revenues contained in the budget or any supplement thereto.

Constitutional Convention

DELEGATE PROPOSAL NO. 100

BY DELEGATES MARION and HANSON

September 20 , 1967.

Introduced, read the first time and referred to the Committee on

The Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL that Article V of the Constitution dealing with the Judicial Branch provide for the creation of a Commission on Judicial Qualifications, composed of six lay persons, six lawyers, and the chief justice of the Supreme Court, with authority to:

1. Make nominations to the governor to fill any vacancy in the office of judge on the Supreme Court or on the Appellate Court.

2. Make recommendations, after hearing, to the Supreme Court, for the removal from office of any judge upon a finding of misconduct or persistent failure to perform the duties of his office, or for the retirement from office of any judge upon a finding or disability or incapacity seriously interfering with the performance of his duties.